## SAN BENITO COUNTY Housing Advisory Committee

Committee:

Board of Supervisor Bea Gonzales, District 5; Board of Supervisor Dom Zanger, District 1; Chair of the Planning Commission, Robert Gibson, District 4; Planning Commissioner, Richard Way, District 2; Development Community Public Member, Victor Gomez; Affordable Housing Public Member, Seth Capron, and Financial or Accounting Public Member, Jonathan Casey



# SPECIAL MEETING MINUTES

## Monday, March 06, 2022 11:00 A.M.

San Benito County Administration Building Board of Supervisors Chambers 481 Fourth Street, Hollister, California

> Webinar ID: 843 8075 6223 Webinar Password: 379666

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## Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Friday prior to the meeting to the Assistant Planner, Stephanie Reck, at <a href="mailto:sreck@cosb.us">sreck@cosb.us</a>

## Public Comment Guidelines

**A.** The Committee 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 **Stephanie Reck**, at (831) 902-2289, or email <u>sreck@cosb.us</u>

The San Benito County Housing Advisory Committee welcomes you to this meeting and encourages your participation.

- If you wish to speak on a matter that does <u>not</u> appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Committee, please state your name for the record. Please address the Committee as a whole through the Chair.
- If you wish to speak on an item contained in the agenda, please seek recognition from the Chairman prior to consideration of the item.

#### 11:00 A.M. CALL TO ORDER

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, called the meeting to order at 11am.

#### 1. TELECONFERENCE INSTRUCTIONS

Shelby Duran, Office Assistant II, read the teleconference instructions.

## 2. PLEDGE OF ALLEGIANCE

Dom Zanger, Board Supervisor, led the pledge of allegiance.

#### 3. ROLL CALL

#### **Committee Members:**

- 1. Bea Gonzales, Board of Supervisor District 5;
- 2. Dom Zanger, Board of Supervisor District 1;
- 3. Robert Gibson, Chair of the Planning Commission, District 4;
- 4. Richard Way, Planning Commissioner, District 2;
- 5. Victor Gomez, Development Community Public Member;
- 6. Seth Capron, Affordable Housing Public Member; and
- 7. Jonathan Casey: Financial or Accounting Public Member.

Shelby Duran, Office Assistant II, conducted roll call. Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, Dom Zanger, Board Supervisor, Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, Richard Way, Planning Commissioner, Victor Gomez, Development Community public member, and Seth Capron, Affordable Housing public member, were present in chambers. Jonathan Casey, Financial or Accounting public member, was present via teleconference.

## 4. ACKNOWLEDGE CERTIFICATE OF POSTING

Victor Gomez, Development Community public member, motioned to acknowledge the certificate of posting.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, seconded this motion.

Motion passed six (6) to zero (0). Jonathan Casey, Financial or Accounting public member, does not have voting rights for this meeting as he attended virtually without an "in-person excused absence".

5. PUBLIC COMMENT: Opportunity to address the Committee on items of interest <u>not</u> appearing on the agenda. No action may be taken unless provided by Govt. Code Section 54954.2.

No public comment via zoom or in chambers.

#### **REGULAR AGENDA**

#### 6. ADOPT: FEBRUARY 13, 2023, MINUTES

Richard Way, Planning Commissioner, motioned to adopt the minutes.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, seconded this motion.

Motion passed six (6) to Zero (0).

No public comment via zoom or in chambers.

## 7. REVIEW: 2023 HOUSING ADVISORY COMMITTEE SCHEDULE

Stephanie Reck, Assistant Planner, presented a tentative schedule for 2023.

Seth Capron, Affordable Housing public member, stated he will be out of the state for the August meeting.

Victor Gomez, Development Community public member, stated that he will not be able to make the May or August meetings.

Stephanie Reck, Assistant Planner, stated that staff will work to make special meetings informational only, and regular meetings will require in-person attendance where motions will be made. Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, and Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, agreed with this.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, motioned to adopt the calendar with the alternative dates presented and with September as a reprieve month.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, seconded this motion.

Motion passed six (6) to zero (0).

#### 8. UPDATE: HOLLISTER HIGH SCHOOL

Shawn Tennenbaum, San Benito High School District Superintendent, and Jeffrey Small, Financial Advisor at Capitol Public Finance Group, LLC, presented an overview of Hollister High School's student enrollment, the need for an additional high school, potential locations for a second high school, and the desire to partner with the HAC to create affordable workforce housing to hire more employees who can live and work in the area.

Shawn Tennenbaum, San Benito High School District Superintendent, shared that Hollister High School has over 400 employees. They have a school capacity of 3,437 students and have 3,467 students currently enrolled, they are 30 students over capacity. Partnering in affordable housing goes hand-in-hand with our student population and employee growth.

Victor Gomez, Development Community public member, asked if they know what the district demand is for housing? Because some teachers have their own home already. Have you done a survey with your employees to see what type of housing they actually need, be it rental or for-sale?

Shawn Tennenbaum, San Benito Highschool District Superintendent, stated that he does not have a formal answer, but I can and would be happy to survey the staff. What I do know is one of the stumbling blocks that we have in terms of recruiting teachers to this area is finding affordable housing. The rental market is very steep right now and the availability is very small. So, when we're looking at somebody coming into Hollister that doesn't have a family member, doesn't have a partner or a spouse that's working, and can't afford something greater, is a challenge.

Jeffrey Small, Financial Advisor at Capitol Public Finance Group, LLC, stated that the San Benito High School District owns roughly 70 acres off Best Road which could be a potential site for a second high school. The school itself only requires 50 acres, so that leaves about 20 acres that can be developed, and one option is to work closely with the County of San Benito on affordable housing which can be used to support the retention and recruitment of employees.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, stated that an alternative location for a school or affordable workforce housing may be some place on the West side of Hollister. And again, I know they tie into one another, but please focus your presentation on the affordable housing aspect, rather than a second location for a school.

Seth Capron, Affordable Housing public member, stated that future growth should have a relationship to the future High School site and the Best Road site doesn't look like it's in good relation to future growth just in terms of what you've shown us you may have an opportunity to purchase excess acreage and use that for housing in a different location.

Shawn Tennenbaum, San Benito High School District Superintendent, stated that we would like to partner with the HAC and the County of San Benito not only on school site selection but also on creating opportunities for our educators, for our staff members, for our administrators, to live in the county that they work in.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, stated that when the last housing project came before the Planning Commission and the Board, it was shared that there was an excess contribution above and beyond what was required, I'm curious if there's a calculation of how many units we would have to approve if we're going to tie education to housing. I did a rough calculation, and I came up with 30,000 units. At some point we have to figure out how to do things without becoming Silicon Valley. What happens to the elementary schools? I see it as a cycle that we can never get out of, and I think we need to disengage from market rate housing as we are never going to achieve it.

Jeffrey Small, Financial Advisor at Capitol Public Finance Group, LLC, stated that a working example would assume the cost of a new high school is \$200 million dollars. And let's say there are 5,000 homes. As the school district, we do not interfere with approvals, but try to work with them, and as part of that we would negotiate with the development community to increase the fees because we know they are insufficient. So, if you have 5,000 homes that would support a 1,500-student school, is basically \$40,000 a home. So where does that \$40 grand come from? If we're getting \$3 a square foot times a 2,000 sq ft plan at roughly \$6,000. The district will get additional state funding which brings this up to \$9,000. So, for every home there is a delta of \$25,000 that will come at a loss to the district. There are two potential ways to make up this difference. The first is to

work with the development community and ask for voluntary contributions above the minimum amount. The second is to work with the community, who has the opportunity to move forward with voter approved bonds, but we are limited as to the amount of bonds that can be approved because there is a tax rate limitation of \$30 per \$100,000 of assessed value. We want to explore every possible avenue for funding to maximize our resources.

Joel Ellinwood, Assistant County Counsel, stated that the county has no authority to charge a fee in excess of the legislative maximum for school impact fees. Now the school district is welcome to enter into any kind of voluntary agreement with developers. They can negotiate, but the county cannot charge or collect a fee in excess of the statutory limit. The limit that is in place is something the Development Community fought very hard to establish and defend over many years.

Victor Gomez, Development Community public member, stated that he has had mix reactions from developers, as it is up to the developer to make that decision. For context, the \$2.98 school impact fee is new as of August 2022. The fee has already been raised and the nexus study was critical. I wish the fee would have come back at \$5, that way we don't have to continue negotiating it. My clients will pay whatever is on the books, but if it is not on the books, it becomes an uneven playing field. Bill Lee, Lands of Lee Applicant, stepped up but that is not going to be the reaction for every developer.

Shawn Tennenbaum, San Benito High School District Superintendent, shared that he would like to come back to the HAC after he meets with Eden Housing and after visiting a development in Daly City which has already built teacher workforce housing.

Victor Gomez, Development Community public member, shared that he would like to be kept up to date on the conversations with Eden Housing, even if this doesn't come back to the HAC. I have other developers and non-profit affordable housing developers who could support because I see a huge opportunity here.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, added that they should look into funding outside of taxpayer dollars because the taxpayers are taxed out and if you're looking for the taxpayers to carry the burden of a bond it may be unsuccessful.

#### 9. AMENDMENTS: COMMITTEE BY-LAWS

Stephanie Reck, Assistant Planner, presented amendments to the Housing Advisory Committee By-Laws. Amendments include updates to the duties of the HAC including holding regular quarterly meetings and special meetings when needed, noticing requirements, in-person attendance, disqualification stipulations, and updates to Brown Act teleconference regulations.

Richard Way, Planning Commissioner, stated that the text refers to elected members of the HAC as being the Planning Commissioners and Board of Supervisors, but the Planning Commissioners are not elected.

Joel Ellinwood, Assistant County Counsel, stated that Brown Act requirements and AB 361 governs the entire constituted body, and since this is an established committee of San Benito County, Brown Act and its requirements apply to all members of this committee.

Stephanie Reck, Assistant Planner, stated this could be amended to refer to either elected or appointed members of the HAC and that would encompass all members of the committee.

Richard Way, Planning Commissioner, stated that If you read the language in V(D) of the by-laws It specifically talks about missing 3 consecutive, regularly scheduled meetings. So, what does that mean for participation in the special meetings?

Stephanie Reck, Assistant Planner, stated this was clarified with legal Counsel, any meeting of this established body either regular or special must comply with Brown Act requirements.

Joel Ellinwood, Assistant County Counsel, stated there is a distinction between attendance and disqualification, which is not part of AB 361. That is a separate item in the by-laws itself, and you can write whatever disqualification for nonattendance into the by-laws.

Stephanie Reck, Assistant Planner, stated then the disqualification rule can apply only to the regularly scheduled meeting if that is the will of the committee. Committee agrees to this.

Stephanie Reck, Assistant Planner, stated amendments to these by-laws must be approved by majority vote then ratified by the Board of Supervisors. Based on our schedule, this item will come back to the HAC during May's regularly scheduled meeting to be voted upon, then it will go to the Board of Supervisors to be ratified.

#### **10.UPDATE: CALHOME GRANT**

Stephanie Reck, Assistant Planner, presented updates to the CalHome Grant application. Staff informed the HAC that an application was not going to be complete by the deadline due to the need to partner with an administrative sub-contractor. Staff informed the committee this is an annual grant and staff will continue working on this in an effort to apply next year.

#### 11. REVIEW: BOARD DIRECTION FROM JANUARY 17<sup>TH</sup>, 2023

Stephanie Reck, Assistant Planner, presented an overview of the Board direction regarding the ordinance discussion points from the regularly scheduled public hearing on January 17<sup>th</sup>, 2023.

#### 15% floor:

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, stated that we were looking at the words 15% being the floor and the Board of Supervisors sent this back to us to consider if there was another percentage that we would look at other than the 15% being a floor. My concern is that we're trying to establish and welcome affordable housing in the community and if we look at 20% or 25%, we're going to create challenges in achieving affordable housing. I personally am not interested in in embracing 20% or 25% and would like to keep the 15% floor.

Dom Zanger, Board Supervisor, stated that it was his understanding that the state can review a feasibility study if it were over 15% and Robert Gibson, Chair of the Planning Commission, stated it was his understanding that this was only applicable to anything over 15% for rental units.

Stephanie Reck, Assistant Planner, stated that per AB 1505, HCD may request to review the Feasibility Analysis for "unduly constraining" housing if any of the following are true: a) The inclusionary program includes more than 15% affordable housing requirement for rental housing, b) City/County failed to meet 75% RHNA over 5-year period, and c) City/County failed to submit housing element for 2+ years.

Stephanie Reck, Assistant Planner, stated that staff have statistics on what our neighboring jurisdictions are doing in regard to their percentage requirements, and staff will send that out to committee members.

Seth Capron, Affordable Housing public member, stated that I there's recognition that that missing middle is really a huge need, but we don't want to do that at the expense of our low-income affordable housing, and I don't know if the Affordable Housing Ordinance is the right vehicle or not. I'd like to see the Board of Supervisors look strongly at our whole zoning ordinance and how we can develop more workforce housing. I think it can get built at a profit and not at the expense of our low-income housing program.

Victor Gomez, Development Community public member, stated that he agrees with Seth, and the reason I would against the 20% is because if you go 20%, my clients will say let's look at different income targets that are a little closer to market rate. This will not benefit low- or very low-.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, stated that when our ADU program is up and running a 1,200 square foot or a 750 square foot unit will not cost 1,500 to \$2,000. Hopefully we can provide enough incentive to have enough of them built where they are affordable for the people that work locally as well.

Joel Ellinwood, Assistant County Counsel, stated that State law provides incentives for higher percentages of affordable units, developers get certain benefits, either in terms of density bonuses or ministerial approvals, rather than requiring discretionary approvals. But those are so laden with other kinds of requirements, like labor standards, that they're not really what they might appear to be on paper in terms of producing a significant number of units.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, asked if that means if a developer wants to exceed the 15% there is incentive. There are other criteria that they need to respond to, but it doesn't necessarily mean that the county needs to embrace over 15%.

Victor Gomez, Development Community public member, stated that SB 35 has its own parameters, but there's also benefits to it to like the density bonus program. If you have those density bonus requirements within your project, It does help us, as greater density helps us add more units.

Richard Way, Planning Commissioner, asked if we should be discussing a percentage that may be more than 15% but less than 20%, like 17%.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, with the expense of conducting a new study and with the state being able to review, I don't think it is worth the investment.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, asked what the cost and time involved in a feasibility study and who would be paying for it.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, stated to his recollection the study was about \$30,000 and it look more than 2 years to get it approved.

Arielle Goodspeed, Principal Planner, added that the study was approved in May of 2022 and is very much still valid and current.

Dom Zanger, Board Supervisor, suggested bringing this information to the Board and presenting the statistical data from other jurisdictions, then let them direct us otherwise.

#### In-Lieu Fee Qualifications:

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, stated that a developer can request to pay the in-lieu fee, but this request would have to go through the Planning Commission and the Board of Supervisors before it is approved. I can't imagine a circumstance where that would work, because we always have the option of the off-site building, so permitting the in-lieu payment as opposed to constructing units would be the last resort.

Joel Ellinwood, Assistant County Counsel, added per state law we have to have an option for the developer to pay the in-lieu fee.

Dom Zanger, Board Supervisor, asked if it was true then, that this provision was included in the ordinance as it is state law to have the option available, but it is up to the Planning Commission and the Board of Supervisors to approve this, and can be denied if off-site development is feasible.

Stephanie Reck, Assistant Planner, stated this was correct.

Seth Capron, Affordable Housing public member, asked if we can we add some language to the ordinance that it would be the preference of the county to see the off-site units get built. It could be similar to "the in-lieu fee option would be accepted if off-site development were shown to be infeasible". Dom Zanger, Board Supervisor, stated the addition of language such as that would help.

Joel Ellinwood, Assistant County Counsel, stated the feasibility is a slippery concept. There is not a uniform standard to determining what is or isn't feasible. Ultimately this is a policy decision that needs to be made by the Board of Supervisors and whether that is by preference, feasibility, or majority vote each project will stand on its own merits so the particular facts of each situation will be under consideration on a case-by-case basis.

Seth Capron, Affordable Housing public member, stated that he still thinks it may be a good idea to include language regarding preference, if that is the will of the committee.

Dom Zanger, Board Supervisor, asked if a developer were to request to pay the in-lieu fee, and the county denied that request, is there a legal process they could take to challenge that decision?

Joel Ellinwood, Assistant County Counsel, stated there is always a legal process to challenge the county and it is called a Writ of Mandate. There are lot of technicalities, but it depends on the nature of the decision being legislative or quasi-adjudicatory, which a project-based decision would apply to.

Dom Zanger, Board Supervisor, stated for that reason I think it may be better to include langue about preference.

#### Review In-Lieu Fee for 5-10 Units:

Victor Gomez, Development Community public member, agrees with the way the ordinance is currently written where it requires a developer of 5-10 units to pay the in-lieu fee outright, and does not provide them with the option of building affordable units. Keeping it as is a good thing as it

helps us collect some funding, because there will be times where an affordable developer will need additional subsidies, even if it is just for land acquisition.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, stated my reason for instigating it was because usually a smaller development would be a local person who employs local contractors and buys and materials locally. I was just trying to give a slight preference to people that are actually building here and spending their money in this community. I wanted everything from 1-10 units to be exempt, and the inclusionary requirement and in-lieu fee to begin at 11 units.

Seth Capron, Affordable Housing public member, stated It seemed to me when we were doing the revisions to the ordinance, we talked about this at length, and we landed on exempting the first 5 and then phasing in the fees for the next 5 which makes it more practical. I certainly stand by what we sent to the Board, and wouldn't support, changing it at this point.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, stated that she would agree with leaving this provision so that we can collect revenue. This was agreed upon by committee members.

#### Very low in for-sale developments:

Stephanie Reck, Assistant Planner, stated that staff learned through conversations with Seth Capron, Affordable Housing public member, and through his participation in the Planning Commission, that very low-, previously used to be included in the ordinance under for-sale units and it was taken out because it was decided that making single-family for-sale homes for very low-persons would be impractical.

Seth Capron, Affordable Housing public member, stated it seemed like it would be harder to integrate those units and make them affordable long-term into a single-family development. So, it was appropriate to only include moderate- and low-income.

Arielle Goodspeed, Principal Planner, stated that I also recall in some of the memos that were published that it also had something to do with HCD and how they outline the different income levels. Staff can go back and try to find those notes.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, stated we should save this item then unit we have some additional information.

#### Percentage Breakdown Between Income Categories:

Stephanie Reck, Assistant Planner, stated that the planning Commission approved the ordinance with a small amendment where the 15% requirement would be split evenly between the 2 income categories for on-site for-sale development. So, it was split between 7.5% and 7.5% for moderate and low income. We don't necessarily need to have more of a discussion if we're not going to add very low- into for-sale, because it's already split evenly.

Seth Capron, Affordable Housing public member, stated that it just escaped my attention that when we eliminated the very low-income. It used to be 5% very low-, 5% low-, 5% moderate-. But when that change was made it became 5% low- and 10% moderate-, and it seemed to me that wasn't in the spirit of our discussions, that an even split made more sense, and that's what the Planning Commission and the Board agreed to.

#### 12. DIRECTION: FUTURE AGENDA ITEMS TO BE ADDRESSED

Stephanie Reck, Assistant Planner, presented an overview of the future agenda items to be addressed.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, requested we bring a discussion on how to use the in-lieu fund.

Stephanie Reck, Assistant Planner, stated staff will bring this item back.

Joel Ellinwood, Assistant County Counsel, stated that in regard to workforce housing, we heard Dr. Tennenbaum offer to do a survey of district employees to determine how many multiple income households they have and what those levels are to determine what the real need is. The information I gathered is the publicly available salary schedule for public employees, but we don't know how many folks are in what step level or what the recruiting needs are. It would be useful to have that survey data from the various public agencies. The other issue in terms of giving preferences to local employees or residents who need housing, is State law which was amended to prohibit discrimination on the basis of source of income. This was intended to prevent discrimination against people who are holding housing choice vouchers. Unfortunately. we have property management firms or companies that are saying they can't provide a preference in favor of people who have housing choice vouchers or people who are local public employees because that would be discriminating on the basis of source of income. This is something we need to bring to our legislator's attention to get that clarified so that we can have meaningful jobs housing balance.

Robert Gibson, Chair of the Planning Commission-Vice Chair of the Housing Advisory Committee, asked what the role of the HAC would be in that process.

Joel Ellinwood, Assistant County Counsel, stated the HAC's role can be to get other agencies, either county or city or school district, to cooperate with us to assess the need for workforce housing by surveying the actual need. It may be a good idea to engage a research firm to assist in that by designing what the survey is and administering it. That would be something I envision we would integrate into the Housing Element update.

#### ADJOURNMENT:

As required by Gov. Code Section 54957.5 any public record distributed to the San Benito Housing Advisory Committee less than 72 hours prior to this meeting in connection with any agenda item shall be made available for public inspection at the office of the Clerk of the Board, San Benito County Administration Building, 481 Fourth Street, Hollister, CA 95023. Public records distributed during the meeting will be available for public inspection at the county. If the public record is prepared by some other person and distributed at the meeting it will be made available for public inspection following the meeting at the office of the Clerk of the Board.

Bea Gonzales, Board of Supervisor-Chair of the Housing Advisory Committee, motioned to adjourn the meeting.

Victor Gomez, Development Community public member, seconded this motion.

Motion passed six (6) to zero (0).

In compliance with the Americans with Disabilities Act (ADA) the Board of Supervisors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Board's office at (831) 636-4000 at least 48-hours before the meeting to enable the County to make reasonable arrangements to ensure accessibility.