

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

Thursday, March 23, 2017

Board of Supervisors Chambers
481 Fourth Street, Hollister CA

6:00 P.M.

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda

BUSINESS ITEMS – NON-HEARING ITEM

4. Appointment of the Regular and Alternate Public Member positions on the Commission to fill unexpired terms which extend to May 2020.
5. Adoption of resolution changing the normal LAFCO meeting day to the second Thursday of the month, and to hold meetings every month where there is LAFCO business to transact.
6. Discussion of upcoming Fiscal Year 2017-18 Budget, considerations for clerical staff support, and work program suggestions to consider in preparing the Preliminary Budget.

SELECTION OF OFFICERS

7. Open nominations and conduct election for Chair for calendar year 2017.
8. Open nominations and conduct election for Vice-Chair for calendar year 2017.

CONSENT AGENDA

9. Approval of minutes – August 25, 2016 Meeting.

APPROVED BOUNDARY CHANGE PROPOSALS

10. LAFCO 514 – Rustic Street Annexation to the City of Hollister; status report on protest hearing conducted December 8, 2016.

INFORMATIONAL

11. Commissioner Announcements and Requests for Future Agenda Items

12. Executive Officer oral status report on pending proposals
13. Adjourn to regular meeting at 6:00 PM on April 27, 2017, unless meeting time is changed based on Commission action or cancelled by 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 an 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 office at least three (3) days prior to the meeting by telephone at 831/637-5313 or by email at jslibsager@cosb.us.

BUSINESS ITEMS – NON-HEARING ITEMS

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5. Adoption of resolution changing the normal LAFCO meeting day to the second Thursday of the month, and to hold meetings every month where there is LAFCO business to transact.

6. Discussion of upcoming Fiscal Year 2017-18 Budget, considerations for clerical staff support, and work program suggestions to consider in preparing the Preliminary Budget.

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

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

March 23, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister CA 95023

**Selection of Regular and Alternate
Public Member Positions on the Commission
(Agenda Item 4)**

Dear Members of the Commission:

RECOMMENDATION

Review the applications submitted for public member positions on San Benito LAFCO, and vote to appoint the Regular Public Member and the Alternate Public Member to the remaining terms expiring in May 2020.

DISCUSSION

The Alternate Public Member, Commissioner Mark Tognazzini, has submitted his resignation from the Commission due his recent appoint to the County Planning Commission, and therefore, there is a vacancy in the alternate public member position on the Commission. In addition, Vice Chair Richard Bettencourt's four year term on the Commission expired in March 2016, and therefore the Commission needs to either reappoint Commissioner Bettencourt, or make a selection from other qualified applicants who submitted application forms by the Commission meeting on March 23, 2017.

According to Government Code section 56325, the public member vacancy must be posted on a notice outside the hearing chambers, and sent to the clerk or secretary of the legislative body of each local agency within the county at least 21 days prior to the meeting date to make a selection. This noticing and posting has been accomplished as of March 1, 2017. The candidate selected must receive one affirmative vote from both a city and a county member of the Commission. The vacant regular and alternate City Commissioner seats on the Commission should be filled by the March 23rd meeting, and therefore it is timely to appoint the public member positions.

As of the preparation of this memo on March 16, 2017, only one application from Commissioner Bettencourt has been received (enclosed). Any other applications

Local Agency Formation Commission
March 23, 2017 (Agenda)
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received will be presented to the Commission at the March 23rd meeting for your review, consideration and possible questioning of applicants in attendance.

Should you have any questions in advance of the meeting, please give me a call.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Nicholson". The signature is fluid and cursive, with the first name "Bill" being more prominent than the last name "Nicholson".

Bill Nicholson
Executive Officer

RECEIVED

APR 09 2017

Public Works
San Benito County
LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

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

**APPLICATION FOR LAFCO
"PUBLIC MEMBER"**

Name: Richard Bettencourt Date of Birth: 12/7/37
Address: 4140 Southside Rd
City: HOLLISTER State: CA Zip: 95023
Phone: 804-8213
Application for: Regular Member ☒; Alternate Member ☐; Either Position ☐

REASON YOU ARE APPLYING FOR THIS POSITION?

WOULD LIKE TO COMPLETE SOME OF THE
POLICIES I HAVE BEEN WORKING ON. I HAVE
BEEN A REGULAR MEMBER SINCE 2011.

I ENJOY THE EXCHANGES OF INFORMATION AND
HAVE LEARNED MUCH ABOUT THE WORKINGS OF
GOVERNMENT. BEING A LIFE LONG RESIDENT OF THIS
COUNTY, I WANT TO HELP MAKE LIFE IN THE FUTURE
AS GOOD AS IT HAS BEEN FOR ME IN THE PAST

WHAT QUALIFICATIONS DO YOU HAVE FOR THIS POSITION?

1. I HAVE LEARNED WORKINGS & POLICIES OF THE
LAFCO CODE.
2. I KNOW THE COUNTY WELL FROM DOWN SOUTH
TO THE NORTH
3. WAS A COUNTY PLANNING COMMISSIONER FOR
7 YEARS
4. WAS ON MONTEREY BAY AIR BOARD FOR 5 YEARS

PROVIDE ANY OTHER COMMENTS YOU WISH TO ADD:

I JUST ENJOY DURING MY RETIREMENT YEARS
TO GIVE BACK TO THE COMMUNITY I LOVE.

Richard Bettencourt
Signature

3/7/17
Date

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

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

March 23, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95203

**Adoption of Resolution Changing the Regular Meeting Day to
the Second Thursday of Each Month
(Agenda Item 5)**

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission adopt the resolution to change the day of the regular Commission meeting from the fourth Thursday of the month to the second Thursday to avoid conflict with other conflicting meetings, and give direction to staff to produce a new meeting calendar.

DISCUSSION

At the October 20, 2016, Commission meeting, the Commission discussed their general support for changing the regular Commission meeting after input was received that the Commission meetings pose a hardship on City of Hollister staff and applicants as the City's Planning Commission meeting is on the same night, the fourth Thursday of each month, starting at 7:00 pm. The current one-hour separation between LAFCO and City Planning Commission meetings makes it difficult or impossible for City staff, and project applicants, to attend the LAFCO meeting on important City applications.

At the request of Counsel, it was recommended that Staff come back with a resolution amending the Commission Rules and Procedures as a formal means for changing the regular meeting time. While the second Thursday of each month has been recommended, the Commission may wish to select another day or week of the month if this suggested change is no longer satisfactory.

Sincerely,


Bill Nicholson,
Executive Officer

Attachment

**RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
CHANGING THE DAY OF THE MONTH OF THE REGULAR COMMISSION MEETING**

WHEREAS, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act (Government Code Section 56300 et seq.) the Commission is required to establish written policies and procedures and exercise its powers pursuant to the Government Code and those adopted local policies and procedures; and

WHEREAS, the Commission has adopted local rules and procedures which set forth the date and time of regular Commission meetings in Section 5.C. of the "LAFCO Rules and Procedures" adopted by the San Benito LAFCO on January 28, 2016, as part of the "Commissioner Handbook;" and

WHEREAS, the Rules and Procedures specify the regular meeting shall be held on the fourth Thursday of each month except June, November and December; and

WHEREAS, the Commission has heard objections to this meeting time because it conflicts with the long established monthly meeting time of the Hollister City Planning Commission; and

WHEREAS, if the week of the month Commission meetings are held is moved to the second week, there are no longer conflicts to holding meetings in the months of June, November and December; and

WHEREAS, the Commission has the independent discretion to determine the date and time of their regular meetings, in addition to having the power to set special meetings as needed.

NOW THEREFORE, IT IS RESOLVED AND ORDERED that the Commission hereby changes the meeting time referenced in Section 5.C. of the "LAFCO Rules and Procedures" to read:

"Regular meetings of the Commission shall be held on the second Thursday of each month."

This resolution was adopted on March 23, 2017, and is effective on the date signed by the Chair.

AYES:

NOES:

ABSTAINS:

Dated: _____

Chair
San Benito Local Agency Formation Commission

ATTEST

William Nicholson, Executive Officer
San Benito Local Agency Formation Commission

March 23, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister CA 95023

**Fiscal Year 2017-18 Budget Process and Considerations
(Agenda Item 6)**

Dear Members of the Commission:

RECOMMENDATION

No action is required by the Commission, only a discussion and general direction of ideas for the upcoming budget process.

DISCUSSION

It is the time of year where we need to begin the budget process for the 2017-18 Fiscal Year. The LAFCO law under Government Code Section 56381(a) governs the preparation of the LAFCO budget with the following provisions:

The commission shall adopt annually, following noticed public hearings, a proposed budget by May 1 and final budget by June 15.

At a minimum, the proposed and final budget shall be equal to the budget adopted for the previous fiscal year unless the commission finds that reduced staffing or program costs will nevertheless allow the commission to fulfill the purposes and programs of this chapter.

The commission shall transmit its proposed and final budgets to the board of supervisors, to each city, and to each independent special district.

Accordingly, it is anticipated that the proposed budget will be presented at the April Commission meeting (either April 15 or 27) and the final budget presented at the May meeting.

This item was placed on the March Commission Agenda to give the Commission an opportunity to identify any special work program items that should be included in the budget in the coming year. These would typically include initiation of Municipal

Service Review (MSR) updates or Sphere of Influence updates which require periodic review and confirmation by the Commission. If there are policy issues of concern, including a review of local LAFCO policies, this can also be included. A determination would also need to be made where work may need to be performed by consultants if the workload is beyond the capacity of the Executive Officer.

Following on this topic, the Executive Officer has had to perform more clerical oriented tasks than anticipated due to shortage of support staff by the County. Therefore, I would like to discuss the consideration of having my wife perform some support role similar to the arrangement with the former Executive Officer, Bob Braitman.

Otherwise, any other projects the Commission desires to identify may be discussed during this agenda item.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Nicholson".

Bill Nicholson
Executive Officer

SELECTION OF OFFICERS

**7. Open nominations and
conduct election for Chair for
calendar year 2017.**

**8. Open nominations and
conduct election for Vice-
Chair for calendar year 2017.**

CONSENT AGENDA

9. Approval of minutes – August 25, 2016 Meeting.

SAN BENITO LOCAL AGENCY FORMATION COMMISSION MINUTES OF MEETING

August 25, 2016

Board of Supervisors Chambers - Hollister, CA

1. Chair Edge called the meeting to order at 6:00 pm. Present were Vice-Chair Bettencourt, Commissioners Barrios, Botelho, LAFCO Executive Officer Bill Nicholson, and Legal Counsel Shirley Murphy. Commissioner Velasquez, Alternate Commissioners Gomez, Rivas and Tognazzini were not present.
2. The Pledge of Allegiance was recited.
3. Public Comment Period.

Ms. Anne Hall, of San Benito Engineering and Surveying, gave testimony during this Public Comment period, requesting the day of the Commission meeting be moved from the fourth Thursday of the month, as it conflicts with the Hollister City Planning Commission meeting.

CONSENT AGENDA

4. Approval of Minutes

Upon motion by Commissioner Barrios, with a second by Vice-Chair Bettencourt, the minutes of the March 24, 2016 meeting were approved as submitted.

Ayes: Barrios, Bettencourt
Noes: None
Abstain: Botelho

BUSINESS ITEMS – GENERAL BUSINESS, NON-PUBLIC HEARING

5. **LAFCO 517 – City of Hollister Out of Agency Service extension to Filice Farms:**

No Public Comment.

Commissioner Barrios moved to approve the out of agency service extension, LAFCO 517, with a second by Vice-Chair Bettencourt.

Ayes: Barrios, Botelho, Bettencourt
Noes: None

6. **LAFCO 518 - City of Hollister Out of Agency Service extension to the Arnold Mobile Home Park:**

No Public Comment.

Vice-Chair Bettencourt moved to approve out of agency service extension, LAFCO 518, with a second by Commissioner Barrios.

Ayes: Bettencourt, Barrios, Botelho
Noes: None

INFORMATIONAL

7. Presentation – Louie Valdez, Clerk of the Board of Supervisors gave a presentation on the NOVUS Agenda Management System utilized by San Benito County for Agenda Packets and individual agenda items.
8. Commissioner Announcements and Requests for Future Agenda Items
9. Executive Officer Announcements – Upcoming CALAFCO Annual Conference in Santa Barbara, October 26-28, 2016
10. Oral status report on pending proposals – Executive Officer Nicholson gave a brief overview of pending applications, including Maple Park and Rustic Street annexations.
11. Adjourn to regular meeting at 6:00 PM on September 22, 2016 unless cancelled by Chair or a special meeting is called

There were no announcements from the Commissioners.

ADJOURNMENT

Upon motion by Vice-Chair Bettencourt, with a second by Commissioner Botelho, the meeting adjourned at 7:45 PM to the next regular meeting on September 22, 2016, unless canceled by the Chair or a special meeting is called.

Final Minutes Approved by the Commission
on _____

By _____
Chair

APPROVED BOUNDARY CHANGE PROPOSALS

**10. LAFCO 514 – Rustic
Street Annexation to the City
of Hollister; status report on
protest hearing conducted
December 8, 2016.**

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

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

March 23, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister CA 95023

Rustic Street Annexation to City of Hollister – LAFCO 514
Results of Protect Hearing
(Agenda Item 10)

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission receive and file this report.

DISCUSSION

The Rustic Annexation to the City of Hollister was initiated by the City on January 25, 2016, and was approved by the Commission on October 20, 2016.

Because the Commission did not receive written consent of all affected landowners it was necessary to notice and conduct a protest hearing following LAFCO's approval. The Commission has delegated to its staff the responsibility to conduct such protest hearings.

The staff conducted the required protest hearing on Thursday, December 8, 2016 in the Board of Supervisors chambers. Written protests calculated after the hearing was closed were not sufficient to require that an election be conducted to confirm the annexation.

The annexation was recorded and the property is within the City as of January 13, 2017. This action also allowed the adjacent Maple Park Annexation (LAFCO File 513) to be recorded on the same date as no County island was created from the annexation.

Sincerely,

Bill Nicholson
Executive Officer

INFORMATIONAL

11. Commissioner Announcements and Requests for Future Agenda Items.

12. Executive Officer oral status report on pending proposals.

13. Adjourn to regular meeting at 6:00 PM on April 27, 2017, unless meeting time is changed based on Commission action, or cancelled by Chair.
