

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

REGULAR MEETING AGENDA

July 13, 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

CLOSED SESSION-CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION

4. Significant Exposure to litigation pursuant to Section 54956.9: Number of Cases: (2)
Closed session is authorized by Section 54956.9(d)(2), (e)(1).

BOUNDARY CHANGE PROPOSALS – CONTINUED PUBLIC HEARING ITEM

5. LAFCO 520 – Allendale Annexation to the City of Hollister and Parallel Sphere of Influence Amendment: Involving an amendment to the City of Hollister Sphere of Influence of approximately 31 acres, and the annexation of 57.9 acres into the City located to the northeast of the intersection of Buena Vista Road and Locust Avenue and west of the Union Pacific Railroad Right-of Way. The annexation involves a portion of a larger development, with the annexation area proposed for 198 single family and 10 multiple family residential dwellings to be served all public services the City of Hollister. The actions requested are to make an environmental determination regarding the adequacy of the City's Environmental Impact Report, and consider amendment of the Sphere of Influence and approval of the annexation. **(Public Hearing Continued from May 25, June 8, and June 29, 2017 Meetings)**
6. LAFCO 521 – Porteur Annexation to the City of Hollister: Involving the annexation of approximately 1.76 acres containing the Gabilan Welding business and a small well site into the City, which is located east of and including the San Felipe Road Frontage Road, approximately 1,033 feet north of McCloskey Road. The actions requested are to make an environmental determination that the annexation is exempt from CEQA, and consider approval of the annexation.

BUSINESS ITEMS – NON-HEARING ITEM

7. Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(4) for the Community Services Development Corporation housing project located at 3110 Southside Road with the continued sewer service from the City of Hollister.

8. Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(1) for the Sunnyside Estates Subdivision (Brigantino) housing project located on the southwest side of the intersection of Southside Road and Hospital Road, for the connection to sewer service from the City of Hollister (LAFCO File No. 507).

INFORMATIONAL

9. Joint Powers Agreements and SB 1266 – Filing agreements with LAFCO
10. CALAFCO Legislative Committee Status Report
11. Adjourn to regular meeting at 6:00 PM on August 10, 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 cgraves@cosb.us.

CLOSED SESSION

**4. Significant Exposure to
litigation pursuant to Section
54956.9: Number of Cases: (2)
Closed Session is authorized by
Section 54956.9(d)(2),(e)(1).**

BOUNDARYCHANGE PROPOSALS-(Continued Public Hearing Item)

**5. Action on LAFCO File No. 520:
Allendale Annexation to the City
of Hollister and Parallel Sphere of
Influence Amendment (Public
Hearing Continued from May
25th, June 8th, and June 29th, 2017)**

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

July 13, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95023

**Action on LAFCO File No. 520: Allendale Annexation to the City of Hollister
and Parallel Sphere of Influence Amendment (Agenda Item 5)**
(Public Hearing Continued from May 25, June 8, and June 29, 2017)

SUMMARY

The Commission held a noticed public hearing on May 25, 2017, to consider approval of the Allendale Annexation to the City of Hollister involving 57.9 acres located north of North Avenue and Buena Vista Avenue and northeast of the intersection with Locust Avenue. In order to annex this territory, the City also requested LAFCO approval of a 31 acre expansion of the City Sphere of Influence on the northern portion of the territory (part of Assessor's Parcel No. 019-130-027).

Testimony from the applicant, Michael Evans with DeNova Homes and project representative Scott Fuller, questioned the contents of two new proposed conditions of approval (labeled F and G) that were presented to them and the Commission just prior to the start of the Commission meeting, and whether they were needed or appropriate. Following a brief discussion, and with concurrence from the project proponents, the Commission continued the Public Hearing to the June 8th regular Commission meeting giving time to work with LAFCO Counsel on condition "F" regarding the 2010 Master Tax Agreement between the City of Hollister and San Benito County, and on condition "G" the indemnification language where the applicant holds LAFCO harmless if the project is litigated. Both conditions supplemented the recommendations listed on Page 5 of the Executive Officer's Report dated May 25, 2017. At the June 8th Continued Hearing, Executive Officer Nicholson indicated that the County, City and project applicant had not reached agreement and they requested the application be continued to the June 29, 2017 meeting, and subsequently, the applicant's requested the hearing be continued again as they try to negotiate with the City and County over the conditions.

The Commission is requested to bring your full packet for this item from the May 25th Agenda Packet, and if you need another copy, to contact the Executive Officer. Without having confirmation that an agreement on the wording on the conditions of approval has been reached, the findings and conditions presented in this Executive Officer's Report reflect the most recent version contained in attached Draft Resolution No. 520, which has been prepared for consideration if the Commission takes action to approve the Allendale Annexation and parallel sphere of influence amendment, and wishes to include the two conditions of approval.

RECOMMENDATION

It is recommended the Commission open the public hearing and receive any testimony, and consider conditions of approval "F" and "G." After closing the public hearing, make the findings and

Commissioners: Richard Bettencourt, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Anthony Botelho ♦ Jaime De La Cruz ♦ Jim West

Alternate Commissioners: Dan DeVries ♦ Robert Rivas ♦ Roberta Daniel **Executive Officer:** Bill Nicholson

determinations presented below, and adopt the attached resolution approving the Allendale Annexation to the City of Hollister and parallel Sphere of Influence Amendment involving 31 acres of the annexation territory, subject to the conditions of approval, or with modification or adjustment of the conditions as desired by the Commission. While Condition F is presented with a requirement that the project owner agree to fully comply with the 2010 Master Tax Agreement between the City of Hollister and San Benito County, a stronger condition may be considered as an alternative, that would require the project owner to submit an agreement in writing to LAFCO before LAFCO records the Certificate of Completion. Staff is in agreement with Counsel that Condition G should be imposed regardless of the wording of Condition F as LAFCO does not have the budget to defend a lawsuit for applicants wishing to annex into a city. Therefore, staff recommends the Commission approve the annexation and parallel sphere of influence amendment based on the following findings, determinations and conditions:

A. Find that the Commission has reviewed and considered the Draft and Final EIR prepared by the City of Hollister as lead agency under CEQA approval of the development project, and related sphere of influence amendment and rezoning. There are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a responsible agency for approval of this annexation. The Commission concurs with the Statement of Overriding Considerations adopted by the City of Hollister for approval of the project through Resolution 2016-202.

B. Adopt Resolution No. 520 approving the proposal known as the "Allendale Annexation to the City of Hollister," based on the determinations presented on Pages 2 through 5 of the May 25, 2017, Executive Officer's Report, along with the parallel sphere of influence amendment involving 31 acres on the northern portion of the Annexation area, based upon the 5 determinations presented on Page 2 of the Executive Officer's Report, and subject to the conditions listed in Items E, F and G below.

C. Determine: 1) the subject territory is uninhabited, 2) the affected landowner has signed a petition giving consent to the annexation and 3) the annexing agency has given written consent to the waiver of conducting authority proceedings.

D. Waive the conducting authority (protest) proceedings and direct the staff to complete the proceedings without further notice, hearing or election.

E. Direct the staff not to record the Certificate of Completion until the map and legal description is found by the County Surveyor to be acceptable.

F. The project owner shall comply with the 2010 Master Tax Agreement between the City of Hollister and San Benito County notwithstanding any future change in the agreement or outcome of any challenge/litigation, or, as an alternative, the project owner has entered into a project specific annexation agreement agreed to by the City and County prior to recording the Certificate of Completion for the annexation.

G. PROJECT OWNER shall defend, indemnify, and hold SAN BENITO LOCAL AGENCY FORMATION COMMISSION, its agents, officers, and/or employees (hereinafter "LAFCO") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by LAFCO

Local Agency Formation Commission
Allendale Annexation to the City of Hollister
(LAFCO File 520)
July 13, 2017
Page 3

arising (directly or indirectly) or resulting from the review, processing, consideration, or approval of PROJECT OWNER'S Project or action taken by LAFCO thereon, including Legal Actions based on the negligence of LAFCO. PROJECT OWNER will reimburse LAFCO for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the LAFCO, whether the result of PROJECT OWNER'S decision not to defend legal action or otherwise. LAFCO retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action.

Respectfully submitted,


BILL NICHOLSON
Executive Officer

cc: Abraham Prado, City of Hollister Development Services Department
Michael Evans, DeNova Homes
John Brigantino, San Benito Realty

Attachments:

Draft Resolution No. 520, including map and legal description of annexation territory and sphere of influence adjustment map

LAFCO No. 520

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE ALLENDALE
ANNEXATION TO THE CITY OF HOLLISTER AND PARALLEL
CITY OF HOLLISTER SPHERE OF INFLUENCE AMENDMENT

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the San Benito Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act and the County Service Area Law (Sections 56000 et seq. of the Government Code) ; and

WHEREAS, the proposal seeks Commission approval to annex 57.9 acres into the City of Hollister and represents two parcels identified by the San Benito County Assessor as APN Numbers 019-130-026 and 019-130-027; and

WHEREAS, because the northern 31 acres of the annexation territory are located outside the City of Hollister's Sphere of Influence, the City has requested the Commission approve a sphere of influence amendment through City of Hollister Ordinance No. 1134; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Commission heard and fully considered all the evidence presented at public hearings held on the proposal on May 25, 2017 and continued to June 8, 2017, June 29, 2017 and July 13, 2017; and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal through publication in the Hollister Freelance Newspaper, and mailed notice to all owners within 300 feet of the project boundaries; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental document or determination, Spheres of Influence and applicable General and Specific Plans; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission serves as responsible agency for the sphere

of influence amendment and annexation and has determined that the annexation is a “project” subject to CEQA; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interests of the affected area and the organization of local governmental agencies within San Benito County.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of San Benito County as follows:

(1) The Commission finds it has reviewed and considered the Environmental Impact Report prepared by the City of Hollister as lead agency under CEQA, and the Commission finds the EIR adequately addresses all environmental impacts of this sphere of influence amendment and annexation and no new significant impacts have been identified, and that there are no mitigation measures that are the responsibility of LAFCO to adopt or monitor as a result of action on this proposal. These environmental findings are based on the Commission’s independent judgment and analysis, and the Commission agrees with the CEQA Findings of Fact contained in City of Hollister Resolution No. 2016-202, presented on Pages 3 through 42, and the Commission rejects the alternatives to the project based on the conclusions of the City of Hollister Resolution No. 2016-202, presented on Pages 43 through 45. The Executive Officer is the custodian of the records upon which these determinations are based; these records are located at the Commission office - 2301 Technology Parkway, Hollister, CA 95023.

(2) The Commission adopts the statement of overriding considerations in compliance with Section 15091(a)(2) and (a)(3), consistent with the findings adopted by the City of Hollister in Resolution No. 2016-202, as presented on Pages 42 and 43 for the significant and unavoidable impacts related to visual degradation of the project site and its surroundings, loss of prime agricultural farmland, and traffic and circulation impacts.

(3) The annexation proposal is assigned the distinctive short-form designation:

ALLENDALE ANNEXATION TO CITY OF HOLLISTER

(4) Said territory is found to be uninhabited as there are no registered voters within the annexation area.

(5) The boundaries of the affected territory are found to be definite and certain as approved and set forth in the legal descriptions, attached hereto and made a part hereof.

(6) All proceedings in connection with this proposal shall be conducted only in compliance with the approved boundaries set forth in the attachments.

(7) The annexation boundary is consistent with the sphere of influence as amended by the Commission as part of their approval of the proposal, and identified in Exhibit C, and the sphere of influence amendment is processed in compliance with the provisions contained in Section 56425 of the Government Code, and the Commission adopts all five determinations as presented on Page 2 of the Executive Officer's Report dated May 25, 2017.

(8) Since the subject territory is uninhabited, all affected landowners have given written consent to the annexation and the annexing agency has given written consent to the waiver of conducting authority proceedings, the conducting authority proceedings are waived and the staff is directed to complete the proceeding.

(9) The territory being annexed shall be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.

(10) The annexation and related sphere of influence amendment are APPROVED, subject to the following conditions of approval:

(a) The project owner shall comply with the 2010 Master Tax Agreement between the City of Hollister and San Benito County notwithstanding any future change in the agreement or outcome of any challenge/litigation, or, as an alternative, the project owner has entered into a project specific annexation agreement agreed to by the City and County prior to recording the Certificate of Completion for the annexation.

(b) PROJECT OWNER shall defend, indemnify, and hold SAN BENITO LOCAL AGENCY FORMATION COMMISSION, its agents, officers, and/or employees (hereinafter "LAFCO") free and harmless from any and all suits, fees, claims, demands, causes of action, proceedings (hereinafter collectively referred to as "Legal Action"), costs, losses, damages, liabilities and expenses (including, but not limited to, an award of attorneys' fees, expert witness fees, and court costs) incurred by LAFCO arising (directly or indirectly) or

resulting from the review, processing, consideration, or approval of PROJECT OWNER'S Project or action taken by LAFCO thereon, including Legal Actions based on the negligence of LAFCO. PROJECT OWNER will reimburse LAFCO for any damages, costs, or fees awarded pursuant to any settlement, default judgment, or other judgment taken against the LAFCO, whether the result of PROJECT OWNER'S decision not to defend legal action or otherwise. LAFCO retains its discretion to direct counsel regarding whether to defend, settle, appeal, or take other action regarding any Legal Action. regarding indemnification by the project owner of San Benito LAFCO, as presented in the handout at the May 25, 2017 meeting or as modified by the Commission.

I, Richard Bettencourt, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof held upon the 8th day of June, 2017, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: _____

Richard Bettencourt, Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission

**EXHIBIT A
ALLENDALE
AREA TO BE ANNEXED TO THE CITY OF HOLLISTER
SAN BENITO COUNTY, CALIFORNIA**

GEOGRAPHIC DESCRIPTION

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN BENITO, STATE OF CALIFORNIA, AND BEING A PORTION OF RANCHO SAN JUSTO, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EXISTING CITY LIMIT LINE OF THE CITY OF HOLLISTER, SAID POINT BEING THE INTERSECTION OF THE NORTHERN LINE OF NORTH STREET AND THE SOUTHWESTERN LINE OF THE UNION PACIFIC RAILROAD RIGHT OF WAY;

THENCE, (1) FROM SAID POINT OF BEGINNING, ALONG SAID EXISTING CITY LIMIT LINE, NORTH $86^{\circ}53'26''$ WEST 148.54 FEET;
THENCE, (2) NORTH $28^{\circ}07'26''$ WEST 231.99 FEET;
THENCE, (3) NORTH $86^{\circ}53'26''$ WEST 391.50 FEET;
THENCE, (4) NORTH $39^{\circ}53'26''$ WEST 1,158.45 FEET;
THENCE, (5) NORTH $86^{\circ}53'26''$ WEST 421.75 FEET;
THENCE, (6) SOUTH $02^{\circ}41'34''$ WEST 1,045.63 FEET TO A POINT ON SAID NORTHERN LINE OF NORTH STREET;
THENCE, (7) NORTH $86^{\circ}53'26''$ WEST 100.00 FEET;
THENCE, (8) LEAVING SAID EXISTING CITY LIMIT LINE, NORTH $02^{\circ}41'34''$ EAST 762.99 FEET;
THENCE, (9) NORTH $10^{\circ}35'26''$ WEST 82.01 FEET;
THENCE, (10) NORTH $17^{\circ}50'26''$ WEST 174.00 FEET;
THENCE, (11) NORTH $37^{\circ}15'26''$ WEST 362.00 FEET;
THENCE, (12) NORTH $27^{\circ}03'26''$ WEST 275.70 FEET;
THENCE, (13) NORTH $17^{\circ}41'26''$ WEST 827.32 FEET;
THENCE, (14) SOUTH $86^{\circ}43'45''$ EAST 1,307.78 FEET;

ANNEXATION AREA DESCRIPTION

PAGE 2 OF 2

LAFCO
FEBRUARY 15, 2017

THENCE, (15) SOUTH 31°33'47" EAST 284.50 FEET;
THENCE, (16) SOUTH 31°08'54" EAST 130.25 FEET;
THENCE, (17) SOUTH 28°00'31" EAST 2,274.73 FEET TO SAID POINT OF
BEGINNING.

CONTAINING 57.9 ACRES OF LAND, MORE OR LESS.

ATTACHED HERETO IS EXHIBIT B, AND BY THIS REFERENCE MADE A PART
HEREOF.

FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL
PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT
BE USED AS THE BASIS FOR AN OFFER OF SALE OF THE LAND DESCRIBED.

END OF DESCRIPTION

PRELIMINARY

SABRINA KYLE PACK, P.L.S.
L.S. NO. 8164

THENCE, (1)

BOUNDARY DESCRIPTION CONFORMS TO LAFCO REQUIREMENTS

DATE: _____ BY: _____

NAME: _____

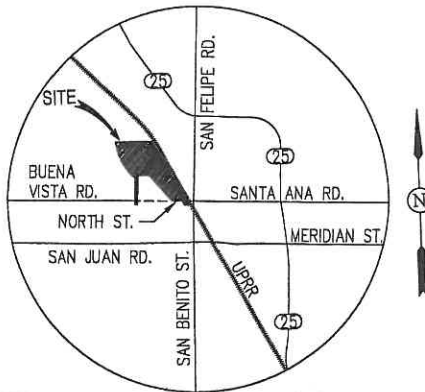
RCE/LS: _____

BOUNDARY DESCRIPTION CONFORMS TO LAFCO REQUIREMENTS.

DATE: _____

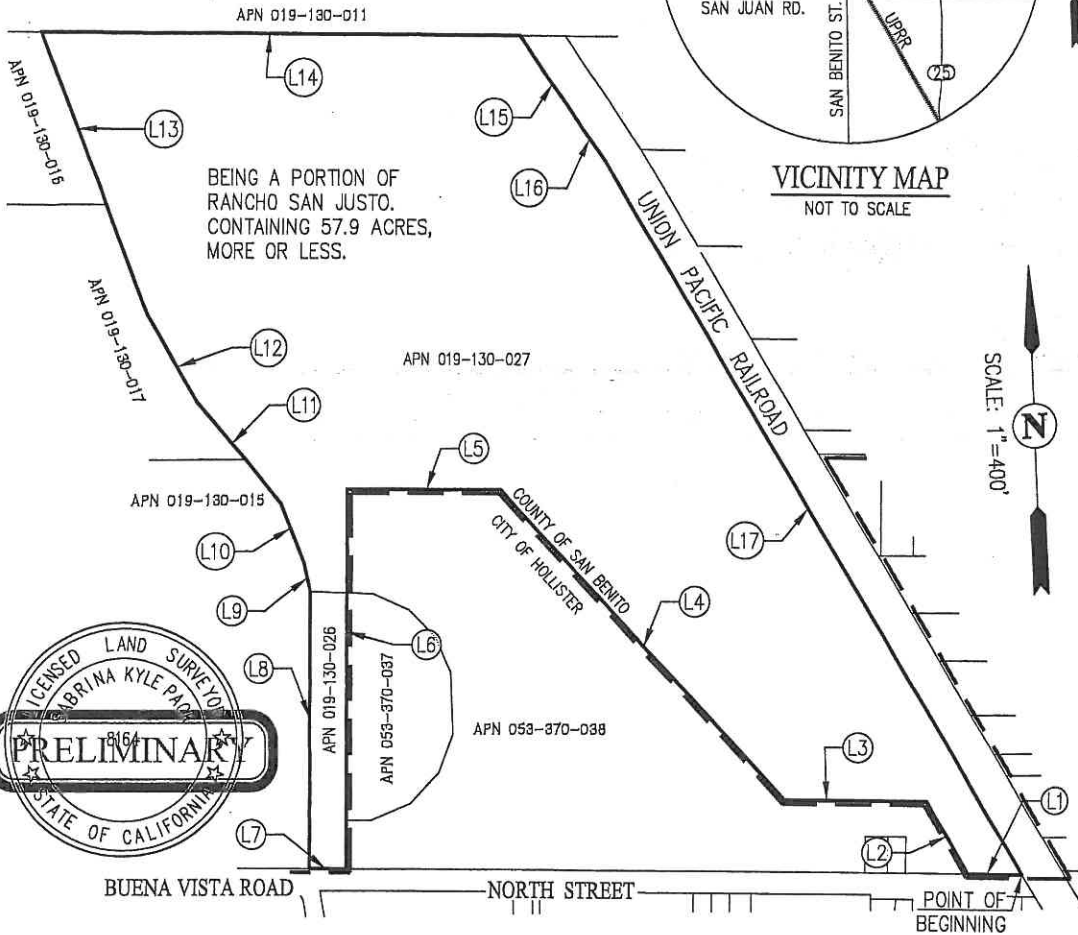
BY: _____

PLS/RCE: _____



VICINITY MAP
NOT TO SCALE

SCALE: 1"=400'



LINE TABLE		
NO	BEARING	LENGTH
L1	N86°53'26"W	148.54'
L2	N28°07'26"W	231.99'
L3	N86°53'26"W	391.50'
L4	N39°53'26"W	1158.45'
L5	N86°53'26"W	421.75'
L6	S02°41'34"W	1045.63'

LINE TABLE		
NO	BEARING	LENGTH
L7	N86°53'26"W	100.00'
L8	N02°41'34"E	762.99'
L9	N10°35'26"W	82.01'
L10	N17°50'26"W	174.00'
L11	N37°15'26"W	362.00'
L12	N27°03'26"W	275.70'

LINE TABLE		
NO	BEARING	LENGTH
L13	N17°41'26"W	827.32'
L14	S86°43'45"E	1307.78'
L15	S31°33'47"E	284.50'
L16	S31°08'54"E	130.25'
L17	S28°00'31"E	2274.73'

LAFCO
EXHIBIT B

ALLEDALE
AREA TO BE ANNEXED INTO THE CITY OF HOLLISTER
SAN BENITO COUNTY, CALIFORNIA

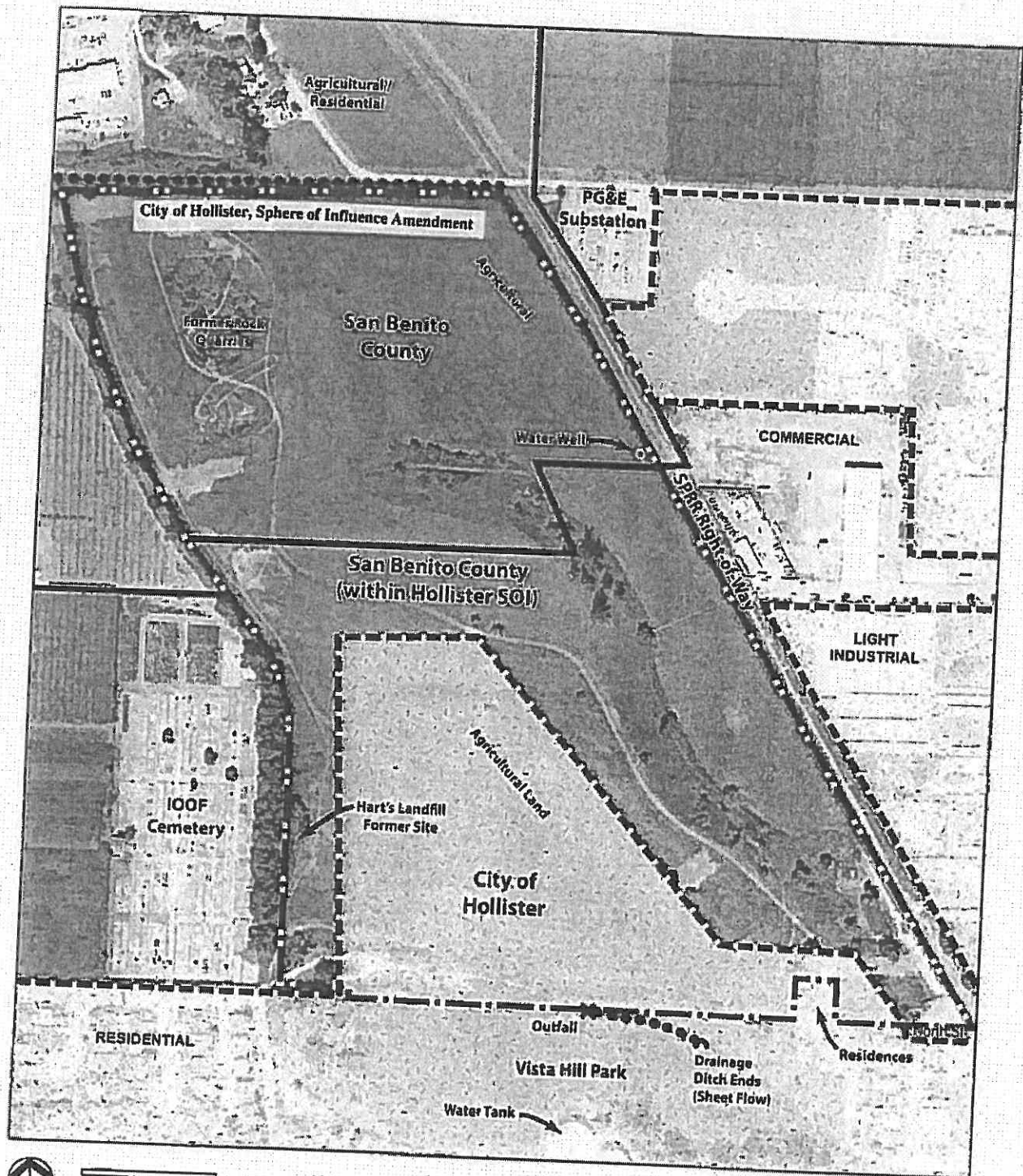
FEBRUARY 15, 2017

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 868 - 0322
WEST SACRAMENTO • (916) 375 - 1877



0 400 feet

Project Boundary
Hollister City Limits

Hollister SOI

Drainage Ditch

Source: Google Earth 2013, A&E Consultants 2012

City of Hollister, Sphere of Influence Amendment **LAFCO Resolution No. 520 (Allendale Annexation)**

Exhibit C

BOUNDARY CHANGE PROPOSALS-(Continued Public Hearing Item)

**6. LAFCO 521 – Porteur
Annexation to the City of
Hollister: Involving the
annexation of approximately 1.76
acres containing the Gabilan
Welding business and a small well
site into the City including the San
Felipe Frontage Road,
approximately 1,033 feet north of
McCloskey Road, Hollister: The
address is 1090 San Felipe Road.**

SAN BENITO LOCAL AGENCY FORMATION COMMISSION
EXECUTIVE OFFICER'S REPORT
(Agenda Item 6)

July 13, 2017 (Agenda)

LAFCO No. 521: Porteur Annexation to City of Hollister

PROPONENT: City Council of the City of Hollister, by resolution

ACREAGE & LOCATION Approximately 1.76 acres located east of and including the San Felipe Road Frontage Road, approximately 1,033 feet north of McCloskey Road,, Hollister area. The address is 1091 San Felipe Road.

PURPOSE: To provide municipal services for existing and potential future industrial/commercial development and remove an unincorporated island consisting of two parcels and a portion of the frontage road.

BACKGROUND/HISTORY

This annexation was initiated by the property owners, Mark Baron and Renon Porteur, to bring the existing 1.55 commercial parcel and adjacent 0.014 acre well parcel completely surrounded by the City into the City to allow development consistent with the City General Plan and Zoning. A small portion of the 60' frontage road adjacent to San Felipe Road will also be included in the annexation to completely remove this unincorporated island. The historic use of the property was for Gablian Welding, a commercial/industrial metal fabrication and welding business.

PROJECT INFORMATION

1. Land Use, Planning and Zoning - Present and Future

The annexation area contains a large commercial/industrial building used for Gabilan Welsing, along with a small well parcel. The County General Plan and zoning is Light Industrial (M1).

The City General Plan also designates the site as Light Industrial. The City rezoned the property as M1 on April 17, 2017, through Ordinance No. 1139. The area is located within the City Sphere of Influence and is adjacent to the City on all sides. Following annexation, any new development would be subject to the City's zoning and development standards.

Surrounding land uses are industrial and governmental (San Benito County Emergency Health Exchange) to the north, industrial uses to the south, agricultural fields to the east and San Felipe Road and its frontage road to the west.

2. Topography, Natural Features and Drainage Basins:

The site and surrounding areas are generally level. There are no significant natural boundaries affecting the proposal.

3. Population:

There are no dwellings within the proposal area, therefore there is no population and the territory is considered "uninhabited" under the LAFCO definition.

4. Governmental Services and Controls - Need, Cost, Adequacy and Availability:

The City Plan for Providing Services is very simple for this developed property, and is presented in response to question Number 14 in the "Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations" attached to this Executive Officer's Report. The City's responses are that on site well for water supply and the existing septic system for wastewater will be relied upon for the immediate future. However, if needed City sewer and water lines are located within the adjacent frontage road, and there is no significant increase in police or fire service upon annexation. Stormwater is directed to an earthen ditches along San Felipe Road and the adjacent frontage road.

5. Impact on Prime Agricultural Land, Open Space and Agriculture:

The annexation area consists of developed property with no agricultural or open space resources.

6. Assessed Value, Tax Rates and Indebtedness:

The annexation area is within Tax Rate Area 067-003. The current assessed value is \$384,160. The overall tax rate will not be affected by this change, although property values will increase upon sale of the property. Upon annexation, the territory will not be liable for any existing or authorized assessments or debt according to the City.

7. Environmental Impact of the Proposal:

The City of Hollister is the lead agency and has found the proposal to be categorically exempt from CEQA (Class 32 – Infill Development Projects under Section 15332 of the CEQA Guidelines). LAFCO, as a "responsible agency" under CEQA can rely upon this determination.

8. Public Notice and Subject Agency Consent:

Notice of the Public Hearing was published in the Hollister Freelance on June 23rd. The City Council, through adoption of Resolution No. 2017-108 submitted this annexation request, and is therefore in support of the annexation.

9. Boundaries, Lines of Assessment and Registered Voters:

The boundary map and legal description have been submitted to the County Surveyor for review, but no comments have been received. A condition of approval is proposed that: "The Executive Officer is directed not to record the Certificate of Completion until the map and legal description are found by the County Surveyor to be acceptable.

10. Disadvantaged Unincorporated Communities

Government Code Section 56375(a)(8) requires the Commission to determine whether there is a disadvantaged unincorporated community adjacent to a city annexation of more than 10 acres in size. The annexation territory is only 1.76 acres and therefore, this requirement is not applicable to this annexation.

ALTERNATIVES FOR COMMISSION CONSIDERATION

After reviewing this report and any testimony or materials that are presented, the Commission can take one of the following actions:

OPTION 1 – APPROVE the proposal as submitted based on the following determinations, with no conditions of approval.

- A. Find the proposal to be categorically exempt from CEQA as a Class 32 Infill Development Project, containing existing developed property.
- B. Adopt this report and approve the proposal known as Porteur Annexation to the City of Hollister, subject to one condition of approval that the Executive Officer not record the Certificate of Completion until the map and legal description are found by the County Surveyor to be acceptable.
- C. Determine that the subject territory is uninhabited and all affected landowners have given consent to the annexation.

OPTION 2 - Consider this report and DENY the proposal based on the inability to make all the determinations presented.

OPTION 3 - CONTINUE this proposal to a future meeting for additional information.

RECOMMENDED ACTION:

Approve OPTION 1.



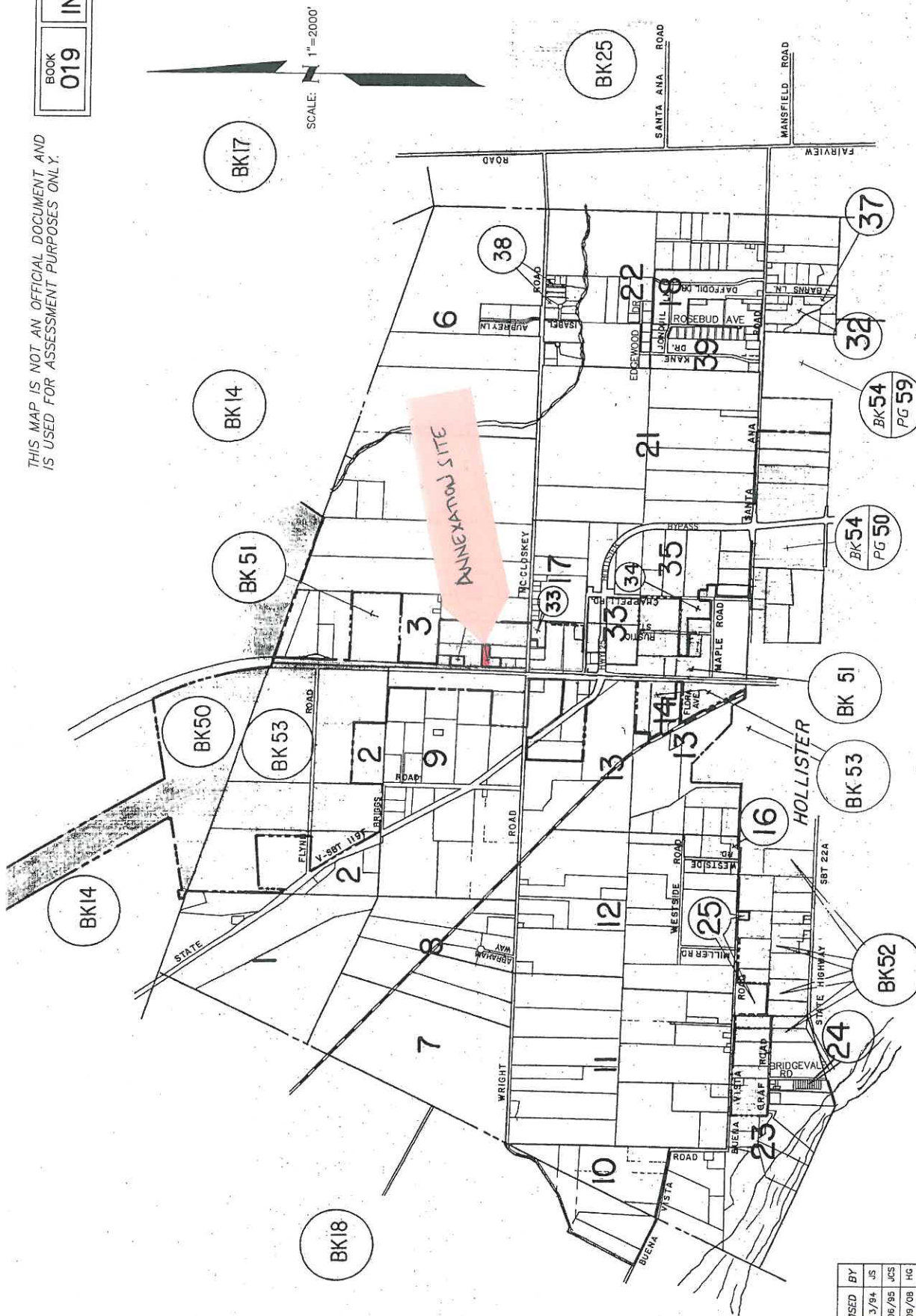
BILL NICHOLSON
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

cc: Abraham Prado, Associate Planner, City of Hollister
Jason Noble, Applicants Representative

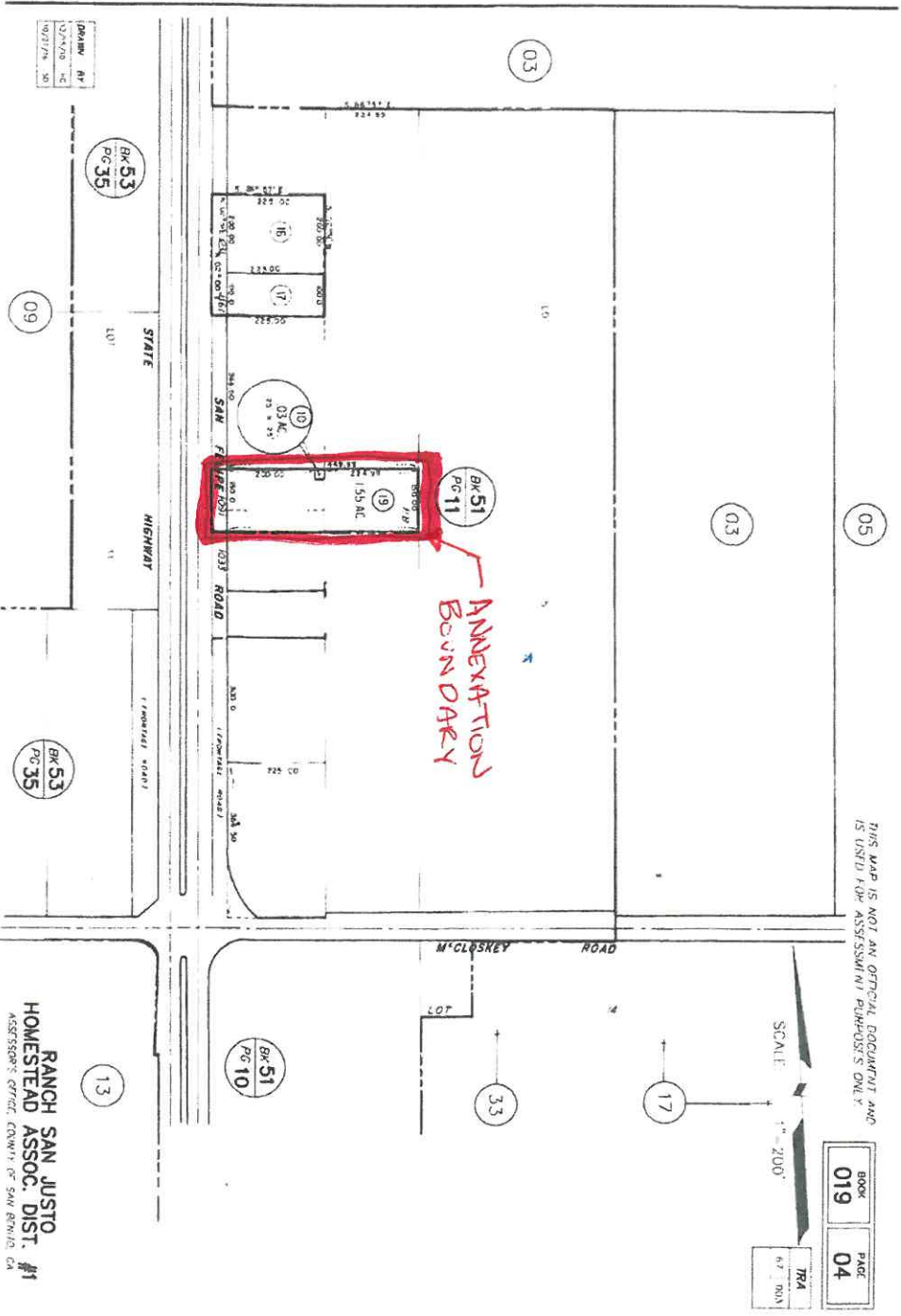
Enclosures:

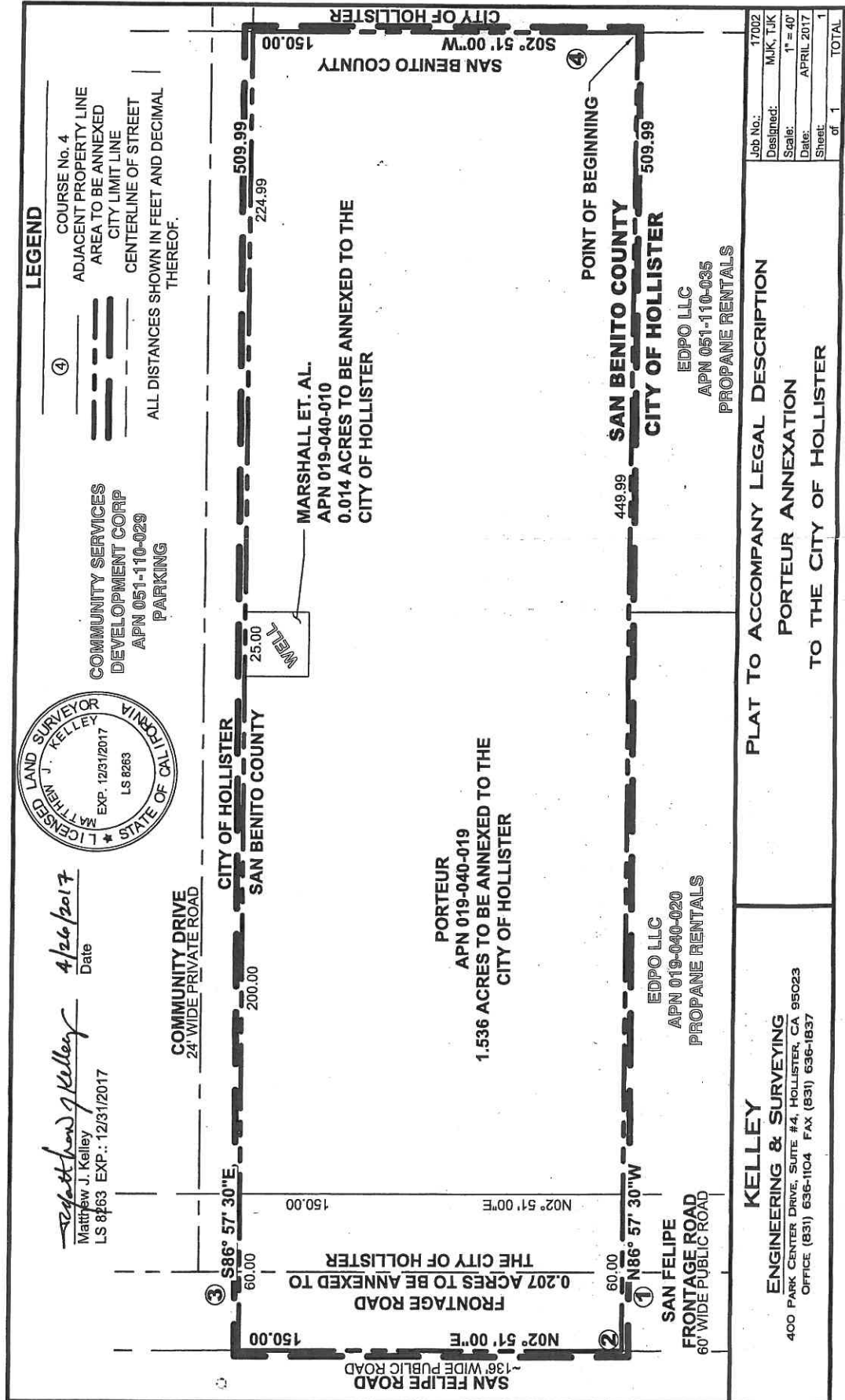
1. Annexation and Vicinity Map
2. Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations
3. City Resolution No. 2017-108
4. City Notice of Exemption Form
5. Draft LAFCO Resolution No. 521



REMOVED	BY
04/13/94	JS
09/06/95	JCS
09/09/08	HG
06/10/09	SD
06/11/14	SD

INDEX MAP
SAN JUSTO RANCHO N.W. POR.
ASSESSOR'S OFFICE, COUNTY OF SAN BENITO, CA.





SAN BENITO LOCAL AGENCY FORMATION COMMISSION

Proposal Justification Questionnaire for Annexations, Detachments and Reorganizations

(Attach additional sheets as necessary)

1. **Name of Application:** (The name should match the title on the map and legal description; list all boundary changes that are part of the application)

Porteur Annexation to the City of Hollister

2. **Describe the acreage and general location; include street addresses if known:**

Total Area: 1.757 acres

ROW Area: 0.207 acres

Parcel Area: 1.55 acres

Project Address: 1091 San Felipe Road | Hollister, CA 95023

3. **List the Assessor's Parcels within the proposal area:**

019-040-019, 019-040-010

4. **Purpose of proposal:** (List all actions for LAFCO approval. Identify other actions that are part of the overall project, i.e., a tract map, development permit, etc. Why is this proposal being filed?)

To remove an island of the County of San Benito within the City of Hollister. There is no intent to further develop the parcels at this time.

5. **Land Use and Zoning - Present and Future**

- A. **Describe the existing land uses** within the proposal area. Be specific.

Welding and Metal Fabrication.

- B. **Describe changes in land uses** that would result from or be facilitated by this proposed boundary change.

None, there is no intent to change the use of the parcels after the boundary change.

- C. **Describe the existing zoning designations** within the proposal area.

M1 Light Industrial Zoning District

- D. **Describe any proposed change in zoning** for the proposal area. Do the existing and proposed uses conform with this zoning?

Light Industrial (M1). The use is not changing and conforms to both zoning types.

- E. (For City Annexations) Describe the rezoning that will apply to the proposal area upon annexation. Do the proposed uses conform with this rezoning?**

Light Industrial (M1). The use is not changing and conforms to both zoning types.

- F. List all known entitlement applications pending for the property (i.e., zone change, land division or other entitlements).**

There are no known entitlement applications pending for this property.

6. Describe the area surrounding the proposal

North: Industrial and Government

South: Industrial

East: Agriculture

West: San Felipe Road (Highway 156 Business)

7. Conformity with Spheres of influence

- A. Is the proposal area within the sphere of influence of the annexing agency?**

Yes

- B. If not, are you including a proposal to revise the sphere of influence?**

N/A

8. Conformity with County and City General Plans

- A. Describe the existing County General Plan designation for the proposal area.**

Industrial

- B. (For City Annexations) Describe the City general plan designation for the area.**

Industrial

- C. Do the proposed uses conform with these plans? If not, please explain.**

Yes

9. Topography and Natural Features

- A. Describe the general topography of the proposal area and any significant natural features that may affect the proposal.**

The proposal area is flat with no significant natural features.

- B. Describe the general topography of the area surrounding the proposal. Topography of surrounding parcels:**

The surrounding topography is flat with no significant natural features.

10. Impact on Agriculture

A. Does the property currently produce a commercial agricultural commodity?

No.

C. Is the property fallow land under a crop rotational program or is it enrolled in an agricultural subsidy or set-aside program?

No.

D. Is the property Prime Agricultural Land as defined in G.C. Section §56064?

No.

E. Is the proposal area within a Land Conservation (Williamson) Act contract?

1) If "yes," provide the contract number and date contract was executed.

No.

2) If "yes", has a notice of non-renewal be filed? If so, when?

No.

3) If this proposal is an annexation to a city, provide a copy of any protest filed by the annexing city against the contract when it was approved.

11. Impact on Open Space

Is the affected property Open Space land as defined in G.C. Section 65560?

No.

12. Relationship to Regional Housing Goals and Policies (City annexations only)

If this proposal will result in or facilitate an increase in the number of housing units, describe the extent to which the proposal will assist the annexing city in achieving its fair share of regional housing needs.

No housing units are proposed.

13. Population

A. Describe the number and type of existing dwelling units within the proposal area.

0.

B. How many new dwelling units could result from or be facilitated by the proposal?

Single-family 0 **Multi-family** 0

14. Government Services and Controls – Plan for Providing Services (per §56653)

A. Describe the services to be extended to the affected territory by this proposal.

None, the affected territory will not require any new services to be extended at this time. The project will continue to utilize on-site well and septic systems. Existing City of Hollister Sanitary Sewer and Water Mains are already adjacent to the parcels and within the area of annexation. Storm drainage is provided with existing earthen ditches along San Felipe Road and Frontage Road. Police, and Fire service areas will not change due to this project. General Government will shift from the County to the City. The proposal does not include any parks, nor require an increase in park facilities. No new roads are proposed for construction, and streets and utilities are already maintained by the the City of Hollister.

B. Describe the level and range of the proposed services.

None.

C. Indicate when the services can feasibly be provided to the proposal area.

Sewer and Water from the City of Hollister can feasibly be provided to the proposal area.

D. Indicate any improvements or upgrading of structures, roads, sewers or water facilities or other conditions that will be required as a result of the proposal.

None.

E. Identify how these services will be financed. Include both capital improvements and ongoing maintenance and operation.

N/A.

F. Identify any alternatives for providing the services listed in Section (A) and how these alternatives would affect the cost and adequacy of services.

The project could connect to the services along the San Felipe Frontage Road. That will unnecessarily increase costs. The use of the project is not changing, so the current methods of sewer and water is already adequate.

15. Ability of the annexing agency to provide services

Attach a statement from the annexing agency describing its ability to provide the services that are the subject of the application, including the sufficiency of revenues (per Gov't Code §56668j).

16. **Dependability of Water Supply for Projected Needs** (as per §56653)

If the proposal will result in or facilitate an increase in water usage, attach a statement from the retail water purveyor that describes the timely availability of water supplies that will be adequate for the projected needs.

The proposal does not result in or facilitate an increase in water usage.

17. **Bonded indebtedness and zones** – These questions pertain to long term debt that applies or will be applied to the affected property.

- A. Do agencies whose boundaries are being changed have existing bonded debt?
☐ Yes ☒ No If yes, please describe
- B. Will the proposal area be liable for payment of its share of this existing debt?
☐ Yes ☒ No If yes, how will this indebtedness be repaid (property taxes, assessments, water sales, etc.?) N / A
- C. Should the proposal area be included within any 'Division or Zone for debt repayment? ☐ Yes ☒ No If yes, please describe.
- D. (For detachments) Does the detaching agency propose that the subject territory continue to be liable for existing bonded debt? ☐ Yes ☐ No Please describe.

18. **Environmental Impact of the Proposal**

A. Who is the "lead agency" for this proposal?

The City of Hollister

B. What type of environmental document has been prepared?

None, Categorically Exempt – Section 15332, In-Fill Development Class 32.

EIR _____ Negative Declaration _____ Mitigated ND _____

Subsequent Use of Previous EIR _____ Identify the prior report. _____

C. If an EIR has been prepared, attach the lead agency's resolution listing significant impacts anticipated from the project, mitigation measures adopted to reduce or avoid significant impacts and, if adopted, a "Statement of Overriding Considerations."

19. Boundaries

- A. Why are these particular boundaries being used? Ideally, what other properties should be included in the proposal?**

The entire island of the County of San Benito has been included to be annexed into the city of Hollister. No other properties should be included in the proposal.

- B. If any landowners have included only part of the contiguous land under their ownership, explain why the additional property is not included.**

No landowners have included only part of the contiguous land under their ownership.

20. Final Comments

- A. Describe any conditions that should be included in LAFCO's approval.**

N/A

- B. Provide any other comments or justifications regarding the proposal.**

N/A

- C. Enclose all pertinent staff reports and supporting documentation related to this proposal. Note any changes in the approved project that are not reflected in these materials.**

21. Notices and Staff Reports

List up to three persons to receive copies of a notice of hearing and staff report.

	<u>Name and agency</u>	<u>Address</u>	<u>Email address</u>
A.	Abraham Prado	375 Fifth Street, Hollister, CA 95023	abraham.prado@hollister.ca.gov
B.	Matthew Kelley	400 Park Center Dr #4 Hollister, CA 95023	matt@kelley-engineering.com
C.	Michael Kelly	2301 Technology Pkwy., Hollister, CA 95023	mkelly@cosb.us

Who should be contacted if there are questions about this application?

<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
Abraham Prado	375 Fifth Street, Hollister, CA 95023	abraham.prado@hollister.ca.gov	831-636-4360

Signature 

Date 5/16/2017

TABLE A

Information regarding the areas surrounding the proposal area

	Existing Land Use	General Plan Designation	Zoning Designation
East	Agriculture	Industrial	Light Industrial
West	Highway/Agriculture	North Gateway	North Gateway/Light Industrial
North	Government Offices	Public	Public Facility
South	Propane Rentals	Industrial	Light Industrial

Other comments or notations:

RESOLUTION NO. 2017-108

**A RESOLUTION OF APPLICATION BY THE CITY COUNCIL OF THE CITY OF
HOLLISTER REQUESTING THE LOCAL AGENCY FORMATION COMMISSION
(LAFCo) OF SAN BENITO COUNTY TO INITIATE PROCEEDINGS FOR THE
ANNEXATION OF TERRITORY
(MARK BARON & RENON PORTEUR)**

WHEREAS, the City Council of the City of Hollister desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, (the "Act") for a change of organization consisting of two parcels one of 1.55 acres and 0.014 acres for annexation to the City of Hollister; and

WHEREAS, the reasons for the proposed reorganization is to annex the territory of two parcels one of 1.55 acres and 0.014 acres owned by Mark Baron and Renon Porteur (the "Territory") which is substantially surrounded by the City of Hollister, and to allow for the provision of municipal services to the Territory that will allow development consistent with the City of Hollister General Plan; and

WHEREAS, the following agency would be affected by the proposed jurisdictional change:

Agency

County of San Benito

Nature of Change

Annexation to City of Hollister

WHEREAS, a description and map of the boundaries of the Territory are attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, the proposed annexation of the Territory is consistent with the City of Hollister sphere of influence as set forth in the City's General Plan; and

WHEREAS, the Territory has been rezoned by City of Hollister Ordinance 1139 in conformance with state and local law; and

WHEREAS, the City Council certifies that as lead agency pursuant to the California Environmental Quality Act the project is exempt from CEQA, Section 15332, In-Fill Development, Class 32.

DUPLICATE OF ORIGINAL
ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF HOLLISTER AS FOLLOWS:

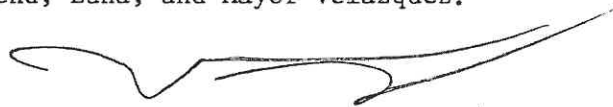
1. This Resolution of Application is hereby adopted and approved by the City Council of the City of Hollister, and the San Benito County Local Agency Formation Commission is hereby requested to take proceedings for the change of organization as authorized and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The City Clerk shall cause a certified copy of this Resolution to be filed with the Executive Officer of the San Benito County Local Agency Formation Commission.

PASSED AND ADOPTED by the City Council of the City of Hollister at a regular meeting duly held on this 1st day of May 2017, by the following vote:

AYES: Council Members Gillio, Klauer, Friend, Luna, and Mayor Velazquez.


NOES: None.

ABSENT: None.



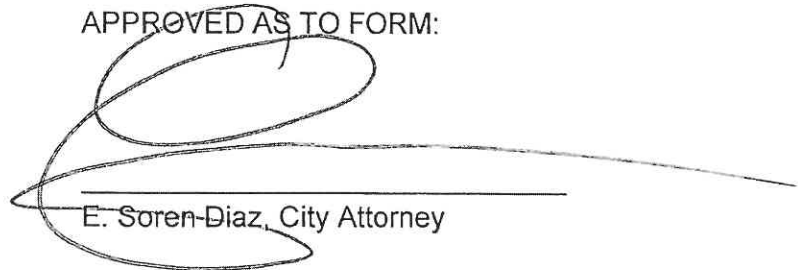
Ignacio Velazquez, Mayor

ATTEST:


Thomas A. Graves, City Clerk

DUPLICATE OF ORIGINAL
ON FILE IN THE
OFFICE OF THE CITY CLERK
CITY OF HOLLISTER

APPROVED AS TO FORM:


E. Soren-Diaz, City Attorney

FILED
IN SAN BENITO COUNTY

MAY 16 2017

JOE PAUL GONZALEZ, COUNTY CLERK
BY *[Signature]*
DEPUTY CLERK
MARLENE MEDINA

Notice of Exemption

To: (X) County Clerk
County of San Benito

() Office of Planning and Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

From: (Public Agency) CITY OF HOLLISTER
375 FIFTH STREET, HOLLISTER, CA 95023

Project Title: Pre-zone No. 2017-1

Project Location – Specific: 1091 San Felipe Road, Hollister, CA-APN: 019-040-019, 019-040-010

Description of Project: Adoption of Ordinance 1139 by the City Council of the City of Hollister amending Municipal Code Chapter 17.24.250 rezoning of specifically described real property San Benito County Assessor Parcel Number 019-040-019 consisting of approximately 1.55 acres and San Benito County Assessor Parcel Number 019-040-010 consisting of approximately 0.014 acres to Light Industrial (MI) for future annexation into the corporate limits of Hollister.

Name of Public Agency Approving Project: City Council of the City of Hollister

Name of Person or Agency Carrying Out Project: Mark Baron & Renon Porteur

Exempt Status: (check one)

() Ministerial (Sec. 21080 (b)(1); 15268);

() Declared Emergency (Sec. 21080 (b)(3); 15269(a));

() Emergency Project (Sec. 21080 (b)(4); 15269(b)(c));

(x) Categorical Exemption. State type and section number: Code Sections 15332, In-fill Development Projects, Class 32

() Statutory Exemptions. State code number: _____

Reasons why project is exempt: The project is exempt from CEQA, Section 15332, In-Fill Development Projects, Class 32. The project is consistent with the 2005-2023 City of Hollister General Plan designation and all applicable general plan policies. The project is located within the city limits of Hollister on property with urban services that is less than five acres in size. The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality and the site can be adequately served by all required utilities and public services.

Lead Agency

Contact Person: M. Abraham Prado Area Code/Telephone/Extension: (831) 636-4360

If filed by applicant:

1. Attach certified document of exemption finding:
2. Has a notice of exemption been filed by the public agency approving the project?
(X) Yes () No

Signature: *[Signature]* Date: May 16, 2017
M. Abraham Prado

Title: City of Hollister Planner

(X) Signed by Lead Agency
() Signed by Applicant

Date received for filing at OPR:

LAFCO No. 521

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING DETERMINATIONS AND APPROVING THE PORTEUR
ANNEXATION TO THE CITY OF HOLLISTER

WHEREAS, the above-referenced proposal has been filed with the Executive Officer of the San Benito Local Agency Formation Commission pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act and the County Service Area Law (Sections 56000 et seq. of the Government Code) ; and

WHEREAS, the proposal seeks Commission approval to annex 1.79 acres into the City of Hollister and represents two parcels identified by the San Benito County Assessor as APN Numbers 019-040-019 and 019-040-010; and

WHEREAS, the Executive Officer has reviewed the proposal and prepared a report with recommendations; and

WHEREAS, the Commission heard and fully considered all the evidence presented at public hearings held on the proposal on July 13, 2017; and

WHEREAS, at the times and in the manner required by law the Executive Officer has given notice of the Commission's consideration of the proposal through publication in the Hollister Freelance Newspaper; and

WHEREAS, the Commission heard, discussed and considered all oral and written testimony related to the proposal including, but not limited to, the Executive Officer's report and recommendation, the environmental exemption, Spheres of Influence and applicable General Plans; and

WHEREAS, in accordance with applicable provisions of the California Environmental Quality Act (hereinafter "CEQA"), the Commission serves as responsible agency for the annexation and has determined that the annexation is exempt from CEQA as a Class 32 Exemption; and

WHEREAS, the Local Agency Formation Commission finds the proposal to be in the best interests of the affected area and the organization of local governmental agencies within San Benito County.

NOW, THEREFORE, BE IT RESOLVED DETERMINED AND ORDERED by the Local Agency Formation Commission of San Benito County as follows:

(1) The Commission finds the annexation is exempt from CEQA review as a Class 32 Exemption – Infill Development Projects, in compliance with Section 15332 of the CEQA Guidelines as identified in the Notice of Exemption filed by the City of Hollister on May 16, 2017, contained in LAFCO File No. 521, available at 2301 Technology Parkway, Hollister, CA.

(2) The annexation proposal is assigned the distinctive short-form designation:

PORTEUR ANNEXATION TO CITY OF HOLLISTER

(3) Said territory is found to be uninhabited as there are no registered voters within the annexation area.

(4) The boundaries of the affected territory are found to be definite and certain as approved and set forth in the legal descriptions, attached hereto and made a part hereof.

(5) All proceedings in connection with this proposal shall be conducted only in compliance with the approved boundaries set forth in the attachments.

(6) The annexation boundary is consistent with the sphere of influence adopted by the Commission for the City of Hollister, and is consistent with the Hollister General Plan and rezoning designation of M1 Light Industrial.

(7) Since the subject territory is uninhabited, all affected landowners have given written consent to the annexation and the annexing agency has given written consent to the waiver of conducting authority proceedings, the conducting authority proceedings are waived and the staff is directed to complete the proceeding.

(8) The territory being annexed shall not be liable for any existing or authorized taxes, charges, fees or assessments comparable to properties presently within the City.

(9) The annexation and related sphere of influence amendment are **APPROVED**, subject to the following conditions of approval:

The Executive Officer shall not record the Certificate of Completion until the map and legal description have been certified as accurate and adequate by the County Surveyor.

I, Richard Bettencourt, Chairman of the Local Agency Formation Commission of San Benito County, California, do hereby certify that the foregoing resolution was duly and regularly adopted by said Commission at a regular meeting thereof held upon the 13th day of July, 2017, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: _____

Richard Bettencourt, Chair
San Benito Local Agency Formation Commission

ATTEST

Bill Nicholson, Executive Officer
San Benito Local Agency Formation Commission

BUSINESS ITEMS – NON HEARING ITEMS

**7. Consideration of Exemption
from Government Code
56133(e)(4) for the Community
Services Development
Corporation Housing Project.**

**8. Consideration of Exemption
from Government Code
56133(e)(1) for the Sunnyside
Estates Subdivision (Brigantino)
Housing Project.**

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

July 13, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95203

Consideration of Exemption from Government Code 56133(e)(4) for the Community Services Development Corporation Housing Project (Agenda Item 7)

Dear Members of the Commission:

RECOMMENDATION

Direct the Commission Chair to sign a letter to the Community Services Development Corporation verifying that their use of an existing sewer connection to the City of Hollister is exempt from LAFCO approval under Government Code section 56133(e)(4).

DISCUSSION

Sonny Flores, Executive Director of the Community Services Development Corporation of San Benito County, (CSDS) a local nonprofit affordable housing agency, has requested San Benito LAFCO provide a letter confirming that their proposed 25 unit affordable housing subdivision project on the site of the former Hazel Hawkins Hospital, Southside, is exempt from LAFCO approval for an out of agency sewer connection with the City of Hollister. Specifically, Mr. Flores requests that the Commission 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. Flores provided a letter summarizing the anticipated level of sewer service anticipated for the self-help subdivision, along with estimated historic sewage flows used by the hospital and a subsequent nursing home on the property. Several newspaper clippings from the Hollister Freelance are attached as evidence the site was used for a hospital since around 1900, and in 1962, the Hazel Hawkins Hospital was constructed on the site located at 3110 Southside Road.

Evidence of the hospital's connection to the City's sewer system also is provided in a copy of a print-out of the sewer of Hollister Public Works Department sewer system account labeling the hospital use located at 3110 Southside Road and dated October 1, 1975. The newspaper articles and sewer statement are attached to this Executive Officer's Memo along with a layout sketch of the proposed self-help subdivision, and a copy of Government Code Section 56133.

Commissioners: Richard Bettencourt, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Anthony Botelho ♦ Jaime De La Cruz ♦ Jim West

Alternate Commissioners: Don DeVries ♦ Robert Rivas ♦ Roberta Daniel **Executive Officer:** Bill Nicholson

Executive Officer's Report
Exemption from GC Section 56133 for CSDS
July 13, 2017
Page 2

Sincerely,

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

Bill Nicholson
Executive Officer

Attachments: Documents provided by CSDS

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

DRAFT

July 13, 2017

Sonny Flores, Executive Director
Community Services Development Corporation of San Benito County
1101 San Felipe Road
Hollister, CA 95023

**RE: Exemption from LAFCO Review Under Government Code 5133(e)(4) for the Self
 Help Housing Project at 3110 Southside Road**

Dear Mr. Flores:

The Commission reviewed your request to find the City of Hollister sewer service to the proposed self help housing project on the former San Benito County Hospital site exempt from LAFCO review and approval at their July 13, 2017, regular meeting. Based on the evidence provided, the Commission voted to find your project qualified for an exemption from Commission review under section 56133(e)(4) of the Government Code, which states the section does not apply to: "(4) An extended service that a city or district was providing on or before January 1, 2001."

This letter serves as notice that the LAFCO of San Benito County has determined the connection to the existing City of Hollister sewer line for your project located at 3110 Southside Road is exempt from the Commission's review and approval. Please let us know if you have any questions.

Sincerely,

Richard Bettencourt
Chairman

cc: Bill Avera, City Manager, City of Hollister

Commissioners: Richard Bettencourt, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Anthony Botelho ♦ Jaime De La Cruz ♦ Jim West**Alternate Commissioners:** Dan DeVries ♦ Robert Rivas ♦ Roberta Daniel **Executive Officer:** Bill Nicholson

Community Services Development Corporation

San Benito County

A 501(c) 3 Non-Profit, Public Benefit Corporation

1101 San Felipe Road, Hollister, CA 95023 • 831.636.5524 tel • 831.638.2129 fax • www.csdcshbc.org

William Nicholson
Executive Director, San Benito County LAFCO
2301 Technology Parkway, 1st Floor
Hollister, CA 95023-9174

June 15, 2017

Dear Bill:

Community Development Services Corporation (CSDC), a nonprofit affordable housing agency which exclusively serves San Benito County, is working on a mutual self help housing development for low and very low income families on a parcel at 3110 Southside Road. The parcel has been connected to City of Hollister water and sewer service since at least 1973. We are requesting that the Commission direct you to provide a letter to CSDC stating that this parcel is eligible for continued water and sewer service without a formal LAFCO approval process, based on the government code exemption for parcels served before January 1, 2001.

The parcel in question is the site of a now vacant building that was the San Benito County Hospital and later a convalescent hospital. The County first built a hospital building on this property in 1907, and the current building was constructed in 1935. The property is still owned by San Benito County. CSDC responded to an RFP put out by the County requesting proposals for site acquisition, with a preference for public benefit projects. CSDC's proposal for constructing 21 to 25 mutual self help homes was selected, and the County has signed a purchase option for CSDC to buy the property for \$1. Before moving forward with the acquisition, CSDC is looking for a written assurance from LAFCO that development of this parcel with city services won't be delayed because it is outside the City of Hollister's Sphere of Influence. California Government Code Title 5, Division 3, Part 1, Chapter 3, 56133(e)(4) exempts parcels with, "An extended service that a city or district was providing on or before January 1, 2001." Both CSDC and the County would like to move forward with the sale and demolition of the existing buildings as soon as possible, due to ongoing problems with trespassing.

Per your request, San Benito Engineering has provided some general estimates of sewer and water flows of our proposed new neighborhood of single family homes vs. the historical usage at the convalescent hospital. These numbers show that twenty-five homes will have lower flows than the previous uses:

1. Proposed Single Family Residential Usage
 - a. For the City of Hollister, current average single family residential usage is 290 gallons per day.
 - b. For the Sunnyslope Water District, current average single family residential usage is 180 gallons per day.

~ Fernando Gonzalez, Chair ~
~ David Wright, Vice Chair ~
~ Francisco Diaz, Secretary/Treasurer ~
~ Pauline Valdivia, Director ~
~ Alan Clark, Director ~

- c. Averaging these two flow rates equals 235 gallons per day. This yields a total of **5875 gallons per day** for twenty-five homes
 - d. Actual usage for new single family homes built to current the CALGreen Building Code and state landscape planting and irrigation requirements will result in significantly lower usage than the current average usage of Hollisters older housing stock listed above
2. Historical Institutional Usage
- a. Fifty-three hospital beds @ 250 gallons per day yields 13,250 gallons per day
 - b. Fifty-three nursing home beds @ 125 gallons per day yields 6,625 gallons per day
 - c. The four acre hospital grounds included extensive landscaping that required additional water for irrigation

CSDC was recently awarded an \$819,783 grant under the USDA 502/523 self help housing program to provide technical assistance to twenty-nine families in San Benito County. The grant will also provide access for the families to obtain USDA mortgages, which are tailored to create affordability for low and very low income families. This USDA grant program is being transferred to CSDC from South County Housing (SCH), another nonprofit affordable housing agency. SCH built over 350 mutual self help homes in and around Hollister over the last twenty-five years. The USDA mutual self help housing program is one of the most successful in the county, offering not a hand-out, but a hand up. It creates an opportunity for homeownership that most of the low and very low income builders wouldn't find anywhere else. Each family contributes over a year of sweat equity, working with other families collectively to provide more than 65% of the labor required to build a group of homes.

We're all aware of the current crisis in the affordability of homes in San Benito County, and this is a rare opportunity for the creation of homes for hard working low income families.

Supporting documents are attached. Thank you for your consideration of our request.

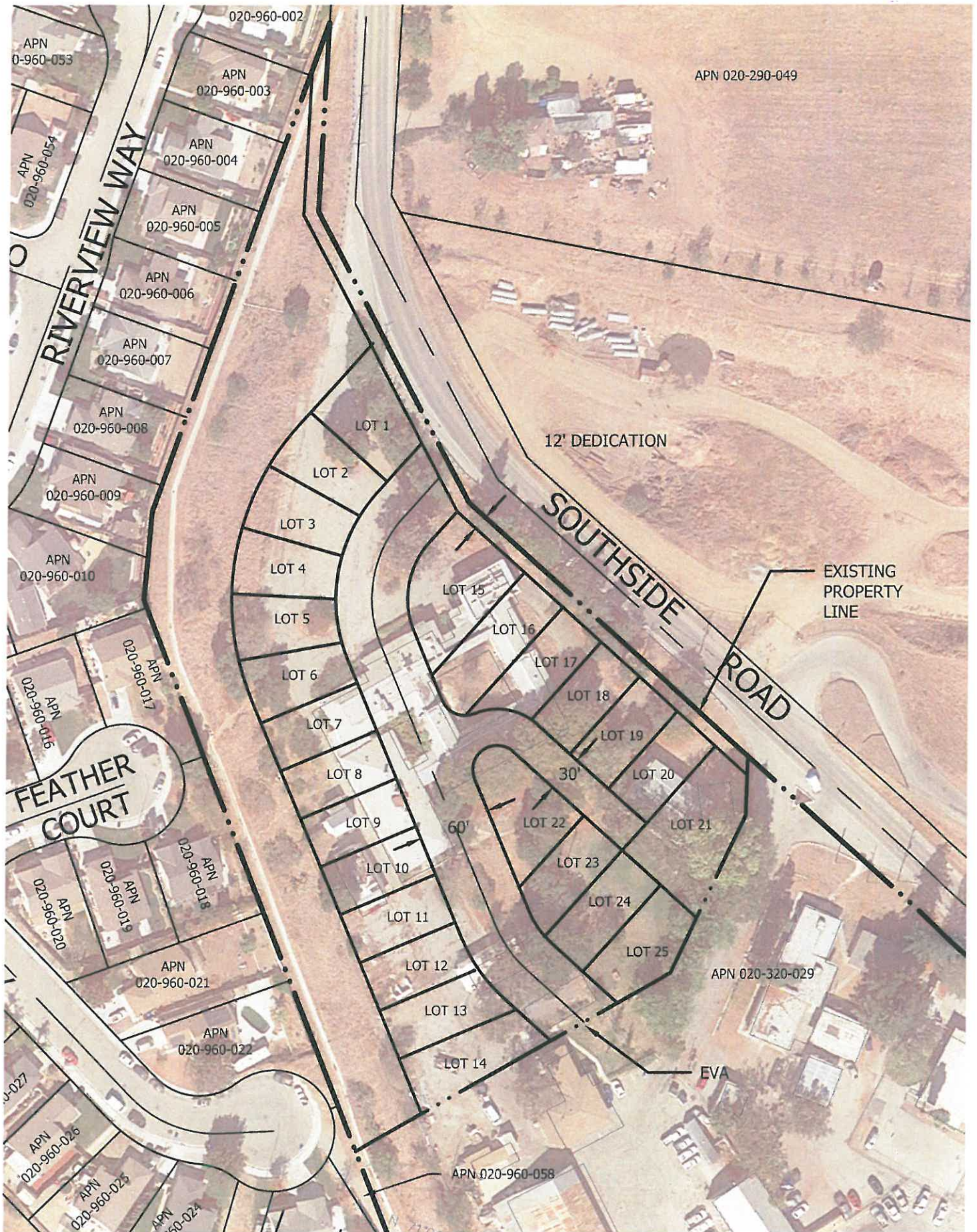
Sincerely,

Sonny Flores
Executive Director



Attachments:

1. Preliminary layout of CSDC self help subdivision
2. Print-out from Hollister Public Works documenting previous sewer and water account for old hospital property.
3. Text of California Government Code Title 5, Division 3, Part 1, Chapter 3, 56133
4. Hollister Freelance article on history of county hospital, May 12, 1969
5. Hollister Freelance article on construction of new county hospital, March 2, 1938
6. Photo from Hollister Historical Society, original 1907 county hospital building



Account 371-1475-01

SAN BENITO CITY PUBLIC WWS


1116 SOUTHSIDE ROAD HOLISTER, CA 95023

Balance: \$0.00

Enter Edit Mode

Shortcuts
Contracts
Transactions
Home
Profile
Financial
Billing
Past Due
History
Documents

Settings

Account Info			Billing Cycle		Information	
SAN BENITO CITY PUBLIC	Status	Past Due Status	Billing Cycle		Home Phone	831-836-1170
ADDR 3120 SOUTHSIDE RD HOLLISTER	Inactive	None	C3		Spouse Name	
Draft	Start Date	Cutoff	Class		Primary DL	
None	6.12.2003		C3		Old Acct No	
Statement Group	Disconnect Date	Arrangements			Emergency Phone	
None	4/3/2013	None				
Delivery Method	Additional Contacts	Credit Status				
	None	None				

Financial				Account Service List					
Current Due	\$0.00	Last Payment		Service	Rate	Service Description	Status	Meter Number	
Arrears	\$0.00	Paid	5/16/2013	100	740	WATER	Inactive	31822275	
		Amount	\$110.00	200	550	SEWER	Inactive		
Balance	\$0.00								
Pending Activity	\$0.00	Last Billing							
		Billed Through	4/15/2013						
		Due By	5/21/2013						
Total Balance	\$0.00	Total	\$110.00						

Account Deposit Summary					
Deposit Code	Total Deposit	Total Collected	Total Refunded	Total Transferred	Unbilled
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Account: 371-1425-00		Balance: \$0.00																																									
HAZEL HAVENS HOSPITAL 3118 SOUTHIDE ROAD HOLLISTER, CA 95023		Account ID: Enter Edit Mode																																									
<div style="display: flex; justify-content: space-between;"> <div style="width: 15%;"> Shortcuts Home Profile Financial Billing Past Due History Documents </div> <div style="width: 60%;"> Settings <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2">Account Info</th> <th colspan="2">Information</th> </tr> <tr> <td style="width: 30%;">HAZEL HAVENS HOSPT</td> <td style="width: 20%;">Status: Inactive</td> <td style="width: 30%;">Billing Cycle: 03</td> <td style="width: 20%;">Home Phone: 437-5711 ASK FOR ERIC</td> </tr> <tr> <td>ALIVE WOMENS CENTER 911 SOUTHSET DR</td> <td>Start Date: 10-1-1975</td> <td>Class: 11</td> <td>Spouse Name:</td> </tr> <tr> <td>HOLLISTER C</td> <td>Disconnect Date: 8-21-2008</td> <td>Arrangements:</td> <td>Primary DL:</td> </tr> <tr> <td>Draft:</td> <td>Additional Contacts:</td> <td>Credit Status:</td> <td>Old Acct No:</td> </tr> <tr> <td>None</td> <td>Delivery Method:</td> <td></td> <td>Emergency Phone:</td> </tr> <tr> <td>Statement Group:</td> <td></td> <td></td> <td></td> </tr> <tr> <td>None</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Delivery Method:</td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> </table> </div> <div style="width: 15%;"> Information Home Phone: 437-5711 ASK FOR ERIC Spouse Name: Primary DL: Old Acct No: Emergency Phone: </div> </div>				Account Info		Information		HAZEL HAVENS HOSPT	Status: Inactive	Billing Cycle: 03	Home Phone: 437-5711 ASK FOR ERIC	ALIVE WOMENS CENTER 911 SOUTHSET DR	Start Date: 10-1-1975	Class: 11	Spouse Name:	HOLLISTER C	Disconnect Date: 8-21-2008	Arrangements:	Primary DL:	Draft:	Additional Contacts:	Credit Status:	Old Acct No:	None	Delivery Method:		Emergency Phone:	Statement Group:				None				Delivery Method:							
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GOVERNMENT CODE - GOV

TITLE 5. LOCAL AGENCIES [50001 - 57550] (Title 5 added by Stats. 1949, Ch. 81.)

DIVISION 3. CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT

REORGANIZATION ACT OF 2000 [56000 - 57550] (Heading of Division 3 amended by Stats. 2001, Ch. 388, Sec. 1.)

PART 1. GENERAL [56000 - 56160] (Part 1 added by Stats. 1985, Ch. 541, Sec. 3.)

CHAPTER 3. Introductory and General Provisions [56100 - 56134] (Chapter 3 added by Stats. 1985, Ch. 541, Sec. 3.)

(a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission.

56133.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) If consistent with adopted policy, the commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

(d) The executive officer, within 30 days of receipt of a request for approval by a city or district to extend services outside its jurisdictional boundary, shall determine whether the request is complete and acceptable for filing or whether the request is incomplete. If a request is determined not to be complete, the executive officer shall immediately transmit that determination to the requester, specifying those parts of the request that are incomplete and the manner in which they can be made complete. When the request is deemed complete, the executive officer shall place the request on the agenda of the next commission meeting for which adequate notice can be given but not more than 90 days from the date that the request is deemed complete, unless the commission has delegated approval of requests made pursuant to this section to the executive officer. The commission or executive officer shall approve, disapprove, or approve with conditions the extended services. If the new or extended services are disapproved or approved with conditions, the applicant may request reconsideration, citing the reasons for reconsideration.

(e) This section does not apply to any of the following:

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

- (2) The transfer of nonpotable or nontreated water.
- (3) The provision of surplus water to agricultural lands and facilities, including, but not limited to, incidental residential structures, for projects that serve conservation purposes or that directly support agricultural industries. However, prior to extending surplus water service to any project that will support or induce development, the city or district shall first request and receive written approval from the commission in the affected county.
- (4) An extended service that a city or district was providing on or before January 1, 2001.
- (5) A local publicly owned electric utility, as defined by Section 9604 of the Public Utilities Code, providing electric services that do not involve the acquisition, construction, or installation of electric distribution facilities by the local publicly owned electric utility, outside of the utility's jurisdictional boundary.
- (6) A fire protection contract, as defined in subdivision (a) of Section 56134.
- (f) This section applies only to the commission of the county in which the extension of service is proposed.

(Amended by Stats. 2015, Ch. 763, Sec. 2.5. Effective January 1, 2016.)

Community's Modern Hospitals Trace History Back More Than 90 Years

By Alta Williams

Although today's Hazel Hawkins Hospital occupies a modern plant erected on Sunset Drive in 1962, beginnings of the hospital date back to soon after the turn of the century when the late T. S. Hawkins built and dedicated the Hazel Hawkins Memorial Hospital at the corner of Monterey and Hawkins Street in memory of his granddaughter who was taken by death in 1902.

Seeking a fitting memorial to his favorite grandchild, Hawkins built and presented the Hazel Hawkins Memorial Hospital to the community of Hollister, which was dedicated in November, 1907. Building and furnishings were completed at a cost of \$40,000.

At dedication ceremonies Hawkins entrusted operation of the hospital and the land upon which it stands to a board of seven trustees comprised of N. C. Briggs, M. T. Dooling, R. P. Lathrop, A. D. Shaw, C. N. Hawkins, William Palmtag and George H. Moore.

"The board of trustees, at their first meeting made me manager of the hospital for life," Hawkins wrote in his book, "Some Recollections of a Busy Life."

The hospital served the community's needs for many years before a new wing was added along the Hawkins Street side of the building in 1937. It included a surgery, delivery room, emergency and medical supply rooms.

Forrest H. Boynton was a long time patient in Hazel Hawkins Hospital and realized the need for further improvements. He bequeathed a sizable sum to the hospital upon his death and with this money a second wing was

built in 1951 to accommodate patients rooms and an X-Ray department.

A hospital consultants survey made in 1956 indicated that the hospital again needed to be enlarged or a new hospital built. In December, 1957 San Benito County voters established a San Benito County Hospital district to include all of the county except the Bitterwater-Tully, Lewis Joint, Priest Valley and Aromas Joint school districts.

It was thought that those areas were located so far away from Hollister that they would be better served by hospitals in King City and Watsonville.

The new district was to be governed by a five member board of directors serving four year terms in office with elections scheduled in November on even-numbered years.

The first elected board of directors was comprised of Paul Hudner, Josephine McCreery and Edward Pearce and the late Jacob M. Leonard and D. Farragut Ashe.

Then came surveys and applications for funds until in 1959 a grant from State and Federal funds, under the Hill-Burton Act, provided approximately \$660,000. The San Benito County Hospital Board, through a bond election, matched the funds with \$390,000 for erection of a new hospital at a total cost of \$1,050,000.

A new 50-bed hospital situated on 13.3 acres of land previously purchased by the district on Sunset Drive just off the Airline Highway, was opened in 1962. During the same year the Hazel Hawkins Memorial Hospital on Monterey Street was converted into a nursing home and renamed "San Benito Nursing Home."

That unit entrusted to private managers to be operated under lease arrangements but the building and equipment was retained by the San Benito County Hospital District.

Soon after the building of the City of Hollister.

settler recalls that, as a child, his mother had told him of sick people being taken care of by the county in a home on Sixth Street and at another time in a building located at about the site of Goularte's Flower Store on San Benito Street.

Minutes of the board of supervisors dated Sept. 1877, authorized payment of medical attendance and medicine at the "County House, at such place where indigents may be kept in the Hollister Township." On Aug. 7, 1878, the county advertised for surgical and medical attendance for care of indigent patients in the County Hospital, but location of the "County House" was not named in the old Board of Supervisors minutes.

The old minutes do note that on July 16, 1881, plans were underway to move the indigent and ill to a more convenient place "out of town." No further mention is made of a hospital until Feb. 6, 1889, when L. M. Ladd sold 9 1/3 acres of land on the banks of San Benito River to the county, with sale of the land consummated on March 4, 1889 at a cost of \$840.60.

In December, 1890, Ladd sold the county three acres more land in the same location for \$279.90. A few years later an additional 13 acres were purchased. It apparently was some time before a hospital was built, for in 1893 the Board of Supervisors ruled that County patients and indigents should be prohibited from "wandering around town." At the same time, in 1893, the supervisors reduced nurses pay to \$10 per month.

From records that Mrs. Ella Jensen has found at the old County Hospital, a building was erected on the Ladd property in about 1895. This hospital included an area for care of indigents and it also included a place where much of the produce dairy products for the

hospital were raised.

The old two-story structure was destroyed by fire in 1936, to be replaced by a modern 30-bed hospital in 1938 with funds of nearly \$75,000, raised through taxation. In 1949 a tuberculosis wing was added, accommodating 23 beds.

With discovery of new medicines and new methods of patient care, the tuberculosis wing was discontinued in 1958 and patients were sent to Monterey County Hospital for acute care.

In 1968 San Benito Community Hospital (the old County Hospital) merged with Hazel Hawkins Memorial Hospital with the District Directors supervising both facilities.

The Southside hospital was then re-licensed for both acute and long-term care, with the extended care unit planned for patients under Medi-care and Medi-Cal medical programs. Maternity, surgery and emergency room care was centralized at the Sunset Drive unit of Hazel Hawkins Memorial Hospital, with business operation for both units centralized at this unit.

In the same year, San Benito Nursing Home was returned to management of the district and is now operated in conjunction with the other two units in the San Benito Hospital District under direction of Herbert Ormsby. The Nursing Home was re-licensed for long-term care and certified for treatment of Medi-Cal patients.

Through union of the three hospital units under the Hazel Hawkins Memorial Hospital District, both paying patients and indigent cases are given the same attention in which ever facility that they may best be cared for, providing the County with a 115 bed hospital unit.

Plans are underway installing a special coronary unit at the Sunset Drive hosp.

30 beds

23 beds

55 beds

TODAY'S WEATHER REPORT

Occasional rain tonight and Thursday, fresh southerly winds. Temperature yesterday: Minimum 54, Maximum 64. This morning 55. Rain .86 inches to 8 o'clock this morning.

WEDNESDAY, MARCH 2, 1938

FREE



HOLLISTER, CALIFORNIA

PLANE FEARED DOWN N

Two-Score Witnesses Testify On Behalf of Airline Bus Company Before Commission Examiner Second Hearing to Be Held Here Later at Which Time Pacific Greyhound Will Present Witnesses

The Airline Bus Company's application for the removal of certain restriction restrictions is being heard here today before Examiner William Gorman, of the state railroad commission, with Examiner James E. McCaffrey sitting in on the case. Examiner McCaffrey conducted the original Airline Bus hearings which resulted in the granting of the company's original permit.

Attorney for the Airline Bus Company, H. A. Encell, and Judge H. C. as representing the Pacific Greyhound Lines, conducted the examinations of witnesses placed on the stand this morning by the Airline Bus Company, with Attorney H. W. Hobbs, representing the Southern Pacific Company, occasionally joining in the questioning or cross-examinations.

Witnesses placed on the stand this morning were Martin C. Arthur, Thomas S. Grant, C. F. Berber, J. A. Britell, Leopold Palmtag, Rachel Dent, L. A. Cooper and Huston, all of Hollister; Bed-Lynn and W. A. Johnson, residents of the Bolsa district; Hahn of Tres Pinos; Col. Geo. of Palmdale; A. F. Under-Frank Waters and Homer of Mulberry; Henry Melen-Bear Valley; and George Ma-driver of the Tres Pinos-dria stage.

WITNESSES UNDER CROSS FIRE

Some of the witnesses were questioned as to the necessity, convenience and adequacy of the transportation schedules now maintained by the Airline Bus Company and the Pacific Greyhound company to the use made of these by the witnesses, members

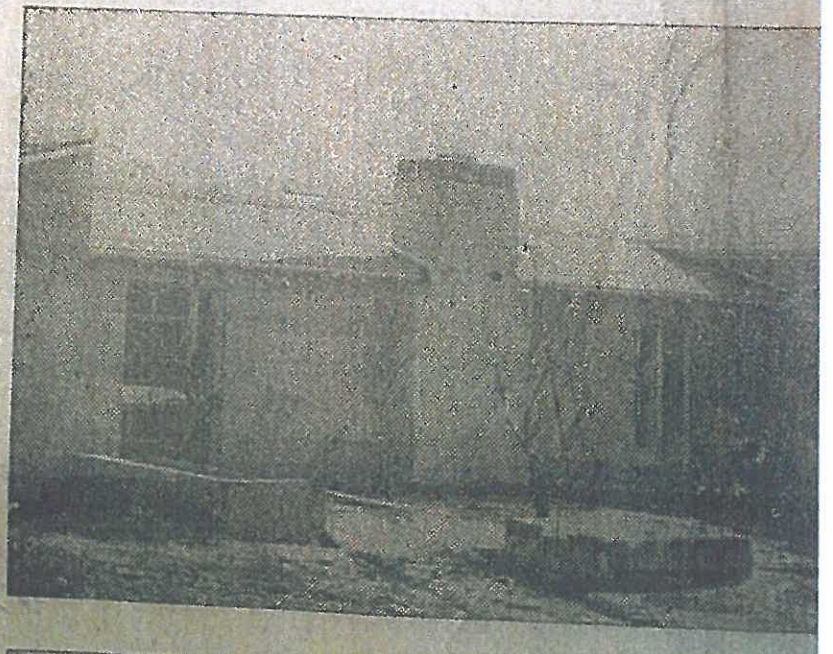
ASH WEDNESDAY OPENS LENTEN SEASON

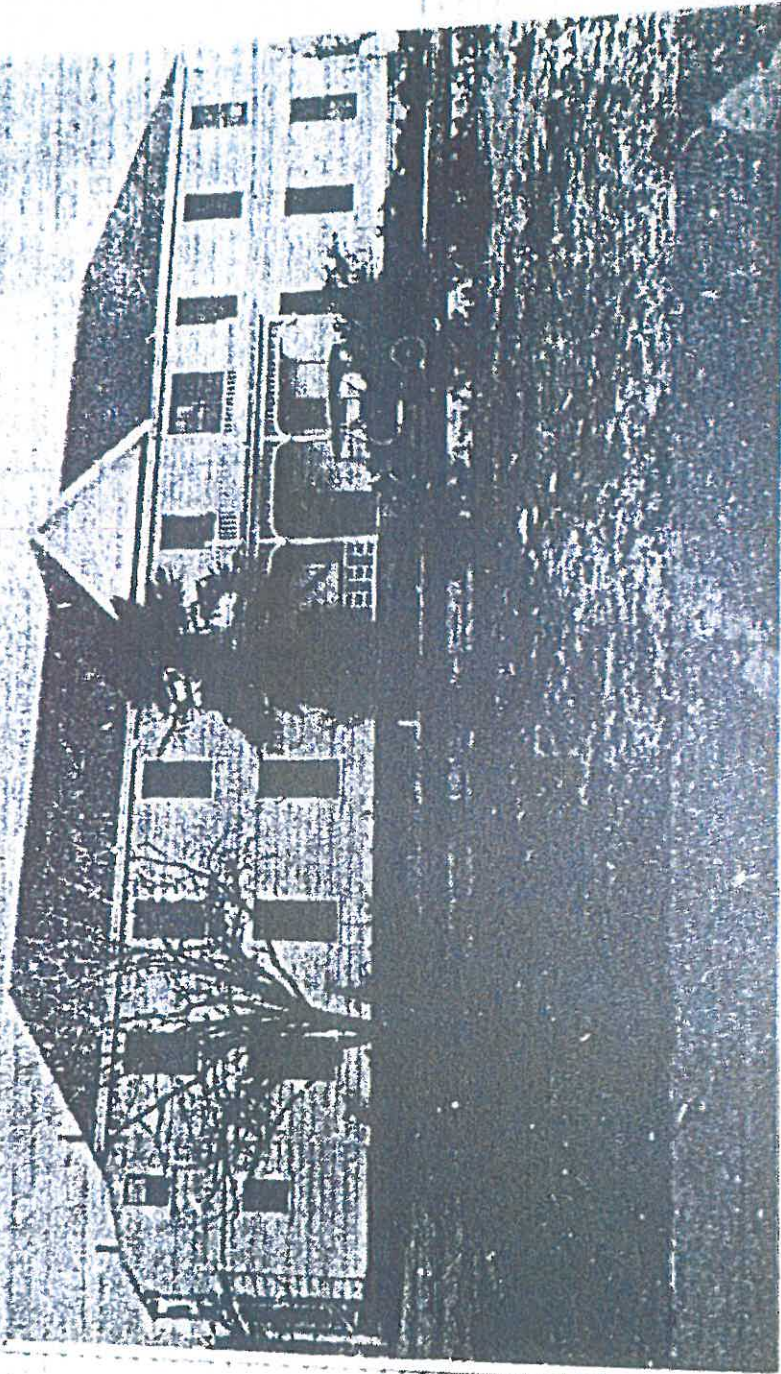
SPECIAL SERVICES AT SACRED HEART AND ST. LUKE'S EPISCOPAL CHURCHES TODAY

Special services at the Sacred Heart Catholic Church and St. Luke's Episcopal Church here today ushered in the Lenten season—Christianity's great period of fasting, starting with Ash Wednesday.

While no special services are planned today by Protestant churches other than the Episcopal, the World Day of Prayer, always held the first Friday of Lent.

New San Benito County Hospital





JAN-3-69

OLD COUNTY HOSPITAL is shown in this picture taken in the 1910s. A 1914 or 1915 Hazel Hawkins Hospital Southside, was Model A Ford is parked in front of the structure which was destroyed by fire in Road. (Photo copied by Pete Borovich)

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

July 13, 2017 (Agenda)

Local Agency Formation Commission
2301 Technology Parkway
Hollister, CA 95203

Consideration of Exemption from Government Code 56133(e)(1) for the Sunnyside Estates Subdivision (Brigantino) Housing Project (Agenda Item 8)

Dear Members of the Commission:

RECOMMENDATION

If the Commission can determine the agreement between the Sunnyslope County Water District (Sunnyslope CWD) and the City of Hollister qualifies under Government Code section 56133(e)(1), then the Commission can take action to direct the Commission Chair to sign a letter to John Brigantino, property owner, the City and Sunnyslope CWD verifying that the subdivision's connection to the City of Hollister sewer system is exempt from LAFCO approval.

DISCUSSION

This Executive Officer's Report involves consideration of exemption from LAFCO review under Government Code section 56133(e)(1) for the Sunnyside Estates Subdivision (Brigantino) housing project located on the southwest side of the intersection of Southside Road and Hospital Road, for the connection to sewer service from the City of Hollister for the property located within the unincorporated area outside the City and its sphere of influence.

As the Commission is well aware, this issue for extension of City sewer outside the City limits was a main feature in the establishment of the Hollister Urban Area, as part of the Sewer and Water Master Plan prepared in partnership with the San Benito County Water District. However, there are a variety of circumstances where an individual project may or may not qualify for an exemption and therefore, the Commission should consider requiring applicants to sign an indemnification agreement before the Commission issues a letter of exemption. This concept can be discussed further during the upcoming Commission meeting on July 13th.

History:

The original request for LAFCO approval was submitted by the City of Hollister on September 23, 2015 (LAFCO File No. 507). Processing by LAFCO was held up while San Benito County prepared an Environmental Impact Report (EIR) for the 200 lot subdivision on the 44.4 acre

Commissioners: Richard Bettencourt, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Anthony Botelho ♦ Jaime De La Cruz ♦ Jim West

Alternate Commissioners: Don DeVries ♦ Robert Rivas ♦ Roberta Daniel

Executive Officer: Bill Nicholson

property (Assessor's Parcel Numbers 020-280-041, 020-280-043, 020-280-055 and 020-320-007). After an extended period to prepare the EIR, the issue of the project's location outside the City's sphere of influence became a central consideration for processing the application in compliance with Government Code 56133(b), where the public service is being provided outside the jurisdiction's boundary in anticipation of a future annexation. Following several meetings, the City and Sunnyslope CWD decided to enter into an agreement where they could justify an exemption from LAFCO review in accordance with section 56133(e)(1) which reads:

56133(e) This section does not apply to any of the following:

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

The City of Hollister adopted Resolution No. 2016-125 on August 15, 2016, entering an agreement with the Sunnyslope CWD with the following clause stated in Section 1:

As District's agent, City shall deliver sewer service outside the City limits, with the District's boundaries and on behalf of District, pursuant to and in consistent with Government Code section 56133(e)(1).

However, no evidence was provided to satisfy the provision under the exemption that prove the City is providing "...public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider..." as required in the Government Code.

In conducting research into the history and intentions of the Sunnyslope County Water District to provide sewer service in this area of the District, the Executive Officer reviewed LAFCO Application No. 485, which involved expanding the District's sphere of influence and annexation of the subject Sunnyside Estates property, and an adjacent area totaling 260 acres, into the District in July 2014. The application materials included a Plan for Providing Services (in conformance with Government Code section 56653) stating:

*SSCWD can provide adequate **water** service for domestic purposes and fire protection to the proposed annexation area. No other services are proposed as part of this annexation.*
[Emphasis added]

The Executive Officer notified both the District and City in a letter dated December 15, 2016, that the District needed to produce evidence that the City is providing the same level of service contemplated by the existing service provider (the District) for the project or for any other part of the District where the District intends on relying on this Agreement. (A copy of this correspondence is attached to this report.)

Current Evidence:

After further discussion among all the parties, and their respective counsels, the Sunnyslope CWD had an engineer, Matthew Kelley, prepare the "Sunnyslope County Water District Sewer Feasibility Report for Sunnyside Estates" dated February 2017. This study identified the various sewer line extension improvements and lift station location, along with a cost estimate (\$500,000 to \$550,000), to connect the subdivision to the District's sewer facilities rather than to the City of Hollister. The cover letter from the District's General Manager, Donald Ridenhour, P.E. indicated the sewage treatment plant had capacity for the subdivision, and that the District has contemplated sewer service for the property.

In response, John Brigantino rejected the District's offer of service, stating that the City's sewer infrastructure is already in place adjacent to his property, and it is more economically feasible to obtain sewer service from the City. Finally, the City Manager, William Avera, wrote a letter to Mr. Brigantino, dated March 1, 2017, to verify that the City had committed to provide sewer service to the property, initially through Resolution No. 2015-179, as an alternative to service being provided by the Sunnyslope CWD. These three documents are also attached to this report.

CONCLUSION

If the Commission can conclude that the provision of sewer service from the City of Hollister to the Sunnyside Estates project is a "*substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider,*" then the Commission can direct the Chairman to send a letter notifying the City, Sunnyslope CWD and property owner that the project is exempt from LAFCO review, and LAFCO File 507 will be closed.

Sincerely,



Bill Nicholson
Executive Officer

Attachments:

Documents provided by Sunnyslope County Water District and the City of Hollister (Engineer's study, the rejection by the landowner, and offer of sewer connection from the City); and Letter from Bill Nicholson to Donald Ridenhour, P.E. with attachments, (December 15, 2016)

cc: John Brigantino, Property Owner
William Avera, City Manager, City of Hollister
Donald Ridenhour, P.E., General Manager Sunnyslope County Water District

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

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

DRAFT

July 13, 2017

John Brigantino, Property Owner
San Benito Realty
1161 Santa Ana Road
Hollister, CA 95023

**RE: Exemption from LAFCO Review Under Government Code 5133(e)(1) for the
Sunnyslope Subdivision Housing Project on Southside Road**

Dear Mr. Brigantino:

The Commission reviewed your request to find the City of Hollister sewer service to the county-approved housing project on the northwest corner of Southside Road and Hospital Road is exempt from LAFCO review and approval at their July 13, 2017, regular meeting. Based on the evidence provided, the Commission voted to find your project qualified for an exemption from Commission review under section 56133(e)(1) of the Government Code, which states the section does not apply to: "(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider."

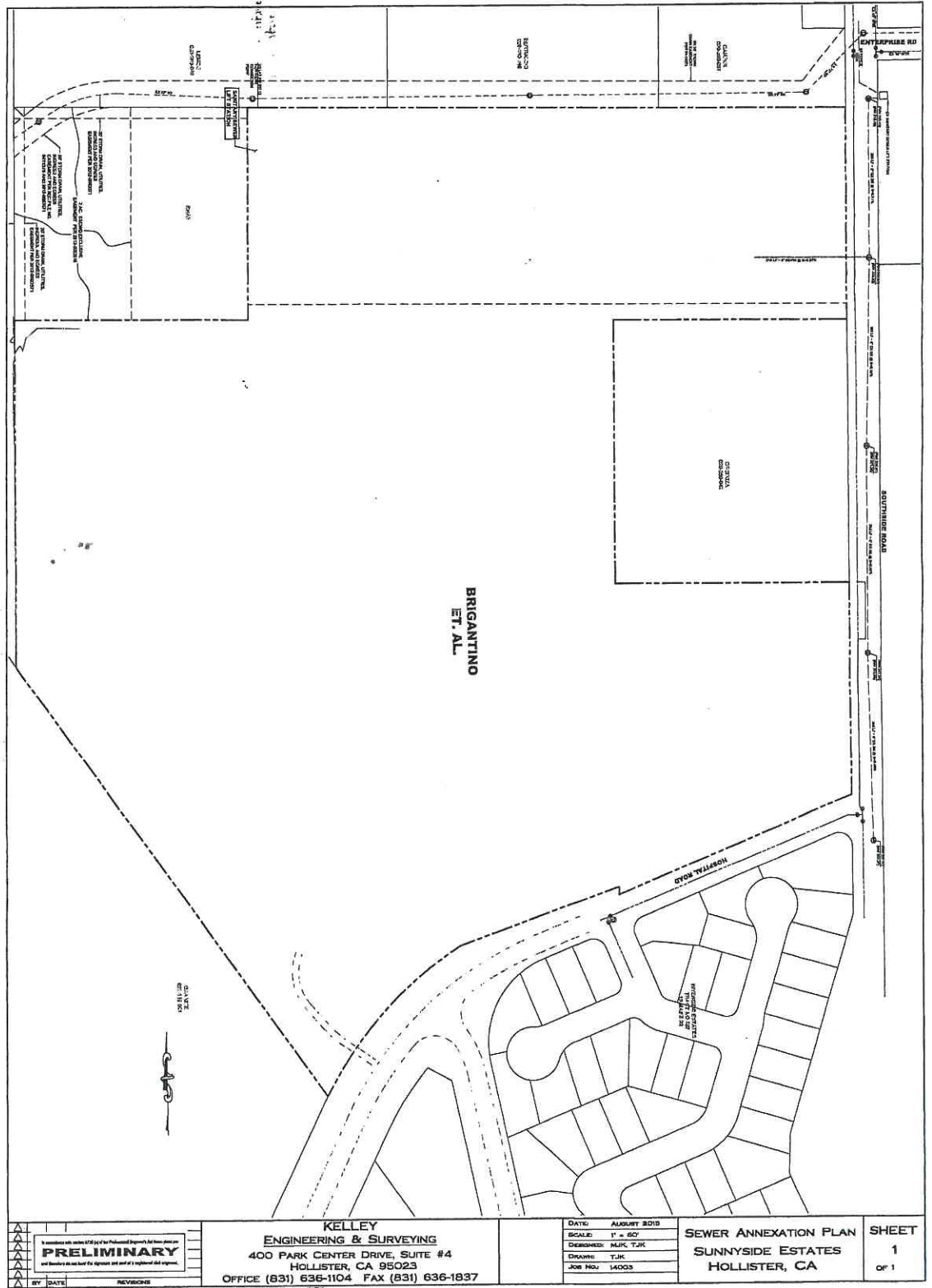
This letter serves as notice that the LAFCO of San Benito County has determined the connection to the existing City of Hollister sewer line for your subdivision project located on Southside Road is exempt from the Commission's review and approval. Please let us know if you have any questions.

Sincerely,

Richard Bettencourt
Chairman

cc: Bill Avera, City Manager, City of Hollister
Don Ridenhour, General Manager, Sunnyslope County Water District

Map of the requested service area



<p>It is recommended that users of this plan for Preliminary Engineering purposes only be used for preliminary design purposes only.</p> <p>PRELIMINARY</p> <p>Not for Construction</p>	<p>KELLEY ENGINEERING & SURVEYING 400 PARK CENTER DRIVE, SUITE #4 HOLLISTER, CA 95023 OFFICE (831) 636-1104 FAX (831) 636-1837</p>		<p>DATE: AUGUST 2018</p> <p>SCALE: 1" = 60'</p> <p>DESIGNED: MJK, TJK</p> <p>DRAWN: TJK</p> <p>JOB NO: 14003</p>	<p>SEWER ANNEXATION PLAN</p> <p>SUNNYSIDE ESTATES</p> <p>HOLLISTER, CA</p>	<p>SHEET</p> <p>1</p> <p>OF 1</p>												
	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>					NO.	DATE	DESCRIPTION									
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<p>NOT TO BE USED FOR CONSTRUCTION PURPOSES. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE ENGINEER OF RECORD.</p>																	
<p>ALL RIGHTS RESERVED. NO PART OF THIS PUBLICATION MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT PERMISSION IN WRITING FROM KELLEY ENGINEERING & SURVEYING.</p>																	



CITY OF HOLLISTER

Send All Mail To:

375 Fifth Street • Hollister, CA 95023-3876

OFFICE OF THE CITY MANAGER

Office Location: 375 Fifth Street (831) 636-4300 ext. 15

March 1, 2017

Mr. John Brigantino
Sunnyside Estates
150 San Felipe Road
Hollister, CA 95023

Subject: City of Hollister Sanitary Sewer Availability for Outside Jurisdiction Properties
APNs 020-280-041, 020-280-043, 020-280-022, and 020-320-007 (Sunnyside Subdivision)

Dear Mr. Brigantino,

On September 8, 2015, the City of Hollister City Council approved Resolution 2015-179 authorizing City sanitary sewer service to the subject properties. Please be advised that as alternative to service being provided by Sunnyslope County Water District, the City will provide the sewer service. If you have any questions regarding this letter, please feel free to give me a call.

Sincerely,

William B. Avera
City Manager

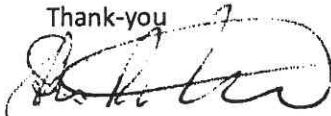
March 1, 2017

Donald G. Ridenhour, P.E.
General Manager
Sunnyslope County Water District

Dr Mr. Ridenhour

Thank-you for your letter Dated February 28, 2017 offering for Sunnyslope County Water District to provide Sewer Service to Sunnyside Estates Subdivision. We appreciate the districts cooperation but we must reject your offer. The City's sewer infrastructure is already in place adjacent to the property therefore it is more economically feasible for Sunnyside Estates to obtain sewer services from the City of Hollister.

Thank-you



John Brigantino

Sunnyslope County Water District

3570 Airline Highway
Hollister, California 95023-9702

Phone (831) 637-4670
Fax (831) 637-1399

February 28, 2017

John Brigantino
Sunnyside Estates
150 San Felipe Road
Hollister, CA 95023

Subject: Contemplated SSCWD Sewer service to the Sunnyside Estates Subdivision.

Dear Mr. Brigantino:

The proposed Sunnyside Estates Subdivision lies within the Boundary of the Sunnyslope County Water District (SSCWD). SSCWD currently provides sewer service to 1222 customers within the area of the Sunnyside Estates Subdivision. SSCWD has treatment capacity to accommodate Sunnyside Estates. SSCWD has contemplated and hereby offers to service Sunnyside Estates subdivision with sewer service. See the attached Sunnyside Sewer Analysis.

Sincerely,



Donald G. Ridenhour, P.E.
General Manager

SUNNYSLOPE COUNTY WATER DISTRICT
SEWER FEASIBILITY REPORT
FOR
SUNNYSIDE ESTATES

JOB No. 14003

FEBRUARY 2017



Matthew J. Kelley
2/22/2017

KELLEY
ENGINEERING & SURVEYING
400 PARK CENTER DRIVE, SUITE 4, HOLLISTER, CA 95023
OFFICE: (831) 636-1104 FAX (831) 636-1837

KELLEY
ENGINEERING & SURVEYING
400 PARK CENTER DRIVE, SUITE #4, HOLLISTER, CA 95023-2546
OFFICE: (831) 636-1104 FAX (831) 636-1837

Sunnyside Estates Sewer Feasibility Report

Site Description

Sunnyside Estates is a single family residential neighborhood consisting of 200 lots averaging 5000 S.F. in size. The property is located north of Hospital Road, west of Southside Road and east of the San Benito River. Sewer service is proposed to each lot and directed to a lift station located on-site.

Infrastructure

Each lot is served by a 4" sewer lateral that drain to an 8" main located in the street serving the lot. The 8" mains drain by gravity to a central lift station located on-site. The on-site lift station is proposed to pump the effluent through a 4" force main to a proposed SSCWD lift station located on Enterprise Road approximately 1100 feet east of the intersection of Enterprise Road and Southside Road. The Sunnyslope County Water District operates a lift station located in Oak Canyon Court of the Quail Hollow development. This lift station has a manhole located near George's Drive close to where it intersects with Donald Drive in the Ridgemark development. The proposed SSCWD lift station will pump the effluent to this manhole. From this point effluent is lifted to a high point in George's Drive then flows by gravity to an existing lift station in Mark's Drive. The Mark's Drive lift station pumps the effluent to the treatment plant operated by the Sunnyslope County Water District.

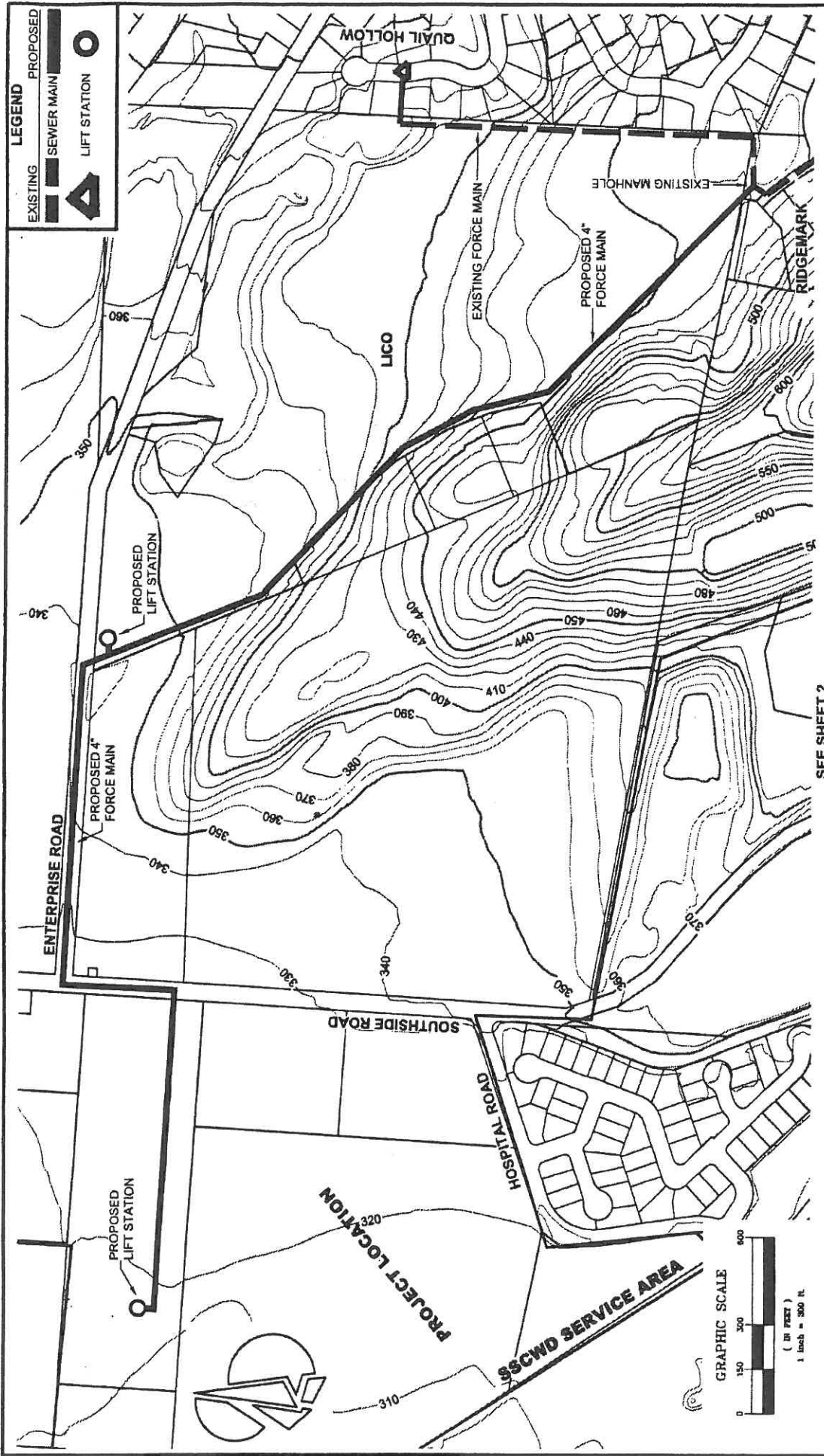
The projected cost to construct the sewer infrastructure necessary to connect Sunnyside Estates, a phased subdivision, to Sunnyslope County Water District is estimated to be in the range of \$500,000 and \$550,000.

Capacity

The Sunnyslope County Water District currently served 1220 customers. Their treatment plant experiences an average daily demand of 165,000 gallons of effluent per day. Their peak demand is 190,000 gallons per day. The treatment plant is designed to treat up to 350,000 gallons per day. Sunnyside estates is estimates to increase this demand by 27,000 gallons per day on average and a peak demand of 31,200 gallons per day.

Conclusion

Sunnyslope County Water District has the capacity to serve this project and approximately 800 additional customers before reaching the capacity of their treatment plant. The proposed infrastructure is feasible and has the potential to serve other neighboring developments.



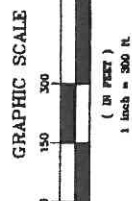
LEGEND

EXISTING PROPOSED

SEWER MAIN LIFT STATION

SEE SHEET 2

<p>KELLEY ENGINEERING & SURVEYING 400 PARK CENTER DRIVE, SUITE #4, HOLLISTON, CA 95023 OFFICE (931) 636-1104 FAX (931) 636-1837</p>	<p>SUNNYSIDE ESTATES SSCWD SEWER SERVICE FEASIBILITY SAN BENITO COUNTY, CA</p>		<p>Job No.: 14003 Designed: MKJ Scale: 1"=300' Date: Feb. 2017 Sheet 1 of 2</p>
	<p>BY </p>		<p>PRELIMINARY</p> <p>In accordance with section 4726.14 of the Professional Engineer's Act these plans are preliminary and therefore do not have the signature and seal of a registered civil engineer.</p>



SEE SHEET 1



GRAPHIC SCALE
(IN FEET)
1 inch = 300 ft.

LEGEND

EXISTING
— SEWER MAIN —
▲ LIFT STATION ○

In accordance with section 0726 (b) of the Professional Engineer's Act these plans are
PRELIMINARY
and therefore do not have the signature and seal of a registered civil engineer.

KELLEY
ENGINEERING & SURVEYING
400 PARK CENTER DRIVE, SUITE #4, HOLLYWOOD, CA 91602
OFFICE (818) 836-1104 FAX (818) 836-1837

SUNNYSIDE ESTATES
SSCWD SEWER SERVICE FEASIBILITY
SAN BENITO COUNTY, CA

Job No.: 14003
Designed: MJK
Scale: 1"=300'
Date: Feb. 2017
Sheet: 2 of 2

LOCAL AGENCY FORMATION COMMISSION
SAN BENITO COUNTY

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

December 15, 2016

Donald G. Ridenhour, P.E.
General Manager
Sunnyslope County Water District
3570 Airline Highway
Hollister, CA 9503

**RE: Sewer Service Agreement Between the Sunnyslope County Water District
and City of Hollister Related to LAFCO File No. 507**

Dear Mr. Ridenhour:

Thank you for sending LAFCO a copy of the Agreement entered into between the Sunnyslope County Water District (District) and the City of Hollister dated the 15th of August, 2016. This agreement was drafted as a result of a meeting we had on June 2, 2016 with representatives of your District, both the City and County and property owners for the Sunnyfield Estates project seeking City sewer service through LAFCO File No. 507. Based on the contents of the Agreement, and subsequent research into the previous Annexation File No. 485 for the Southside Road Annexation to the Sunnyslope County Water District, it does not appear the agreement is adequate to exempt the sewer extension from LAFCO's approval under Government Code section 56133(e)(1). The basis of this conclusion is presented below, along with several alternative courses for the City and District to consider pursuing.

Requirements Under Government Code Section 56133

The City of Hollister applied to LAFCO for an out of agency service extension for the extension of sewer service to the Sunnyside Estates project on September 23, 2015. It had been considered an incomplete application by LAFCO in correspondence from the former Executive Officer dated September 30, 2015 for several reasons, including the need for the County to complete the CEQA process.

Upon the appointment of a new Executive Officer by the Commission in May of this year, it was identified that this application did not qualify for an out of agency service extension under the provisions of the Government Code, specifically because the territory was located outside the City Sphere of Influence, and there was no documented existing or impending threat to health and safety of the public. The extension request was to serve a new housing subdivision project being proposed in the County. The provision for LAFCO approval of extensions of service outside a jurisdiction's boundaries is contained

in the Government Code, and is limited to two circumstances, as follows, depending on whether the property is located within or outside the jurisdiction's sphere of influence:

56133 (a) A city or district may provide new or extended services by contract or agreement outside its jurisdictional boundary only if it first requests and receives written approval from the commission.

(b) The commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary but within its sphere of influence in anticipation of a later change of organization.

(c) If consistent with adopted policy, the commission may authorize a city or district to provide new or extended services outside its jurisdictional boundary and outside its sphere of influence to respond to an existing or impending threat to the health or safety of the public or the residents of the affected territory, if both of the following requirements are met:

(1) The entity applying for approval has provided the commission with documentation of a threat to the health and safety of the public or the affected residents.

(2) The commission has notified any alternate service provider, including any water corporation as defined in Section 241 of the Public Utilities Code, that has filed a map and a statement of its service capabilities with the commission.

Therefore, at the group meeting held on June 2, 2016, we discussed the only alternative currently available for LAFCO to consider approval of the application involved a change to the City sphere of influence boundary to include the property. As an alternative, we discussed whether the proposal qualified for an exemption from LAFCO review and approval under section 56133(e). The attorney representing the property owner suggested that subsection 56133(e)(1) could work and the District agreed with the City to investigate preparation of an agreement in support of this exemption. The Government Code exemption states, in pertinent part:

56133(e) This section does not apply to any of the following:

(1) Two or more public agencies where the public service to be provided is an alternative to, or substitute for, public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider.

Without being provided a draft of the agreement or involving LAFCO in further discussion concerning evidence to support this exemption, the District and City entered

Donald G. Ridenhour, P.E.
Sunnyslope County Water District
December 15, 2016
Page 3

the "Agreement Between Sunnyslope County Water District and City of Hollister" on August 15, 2016, and a copy was mailed to me which was received on August 23, 2016.

Lack of Conditions Present to Qualify for an Exemption from 56133 and LAFCO Approval

The August 15th agreement does not contain any evidence which supports a determination that the extension of sewer service qualifies for an exemption from LAFCO's approval. In Section 1.01 of the Agreement, it is simply stated the City will deliver sewer services outside the City limits and within the District's boundaries "...pursuant to and consistent with Government Code section 56133(e)(1)." The "Whereas" statements indicate that the City provides sewer services within the boundaries of the District already, and that the City has capacity in their Domestic Wastewater Treatment Plant to serve areas within the District and Hollister Urban Area Water and Wastewater Master Plan. The only document attached is the "Billing and Collection Agreement" dated April 16, 2007, allowing the District to collect sewer service payments from property owners within the District and within the City, when they collect their District water payments.

However, there is no evidence provided that satisfies the provision of the exemption that proves the City is providing "...public services already being provided by an existing public service provider and where the level of service to be provided is consistent with the level of service contemplated by the existing service provider..." as required in the Government Code subsection 56133(e)(1).

In conducting research into the history and intentions of the Sunnyslope County Water District to provide sewer service in this area of the District, I reviewed LAFCO Application No. 485, which involved expanding the District's sphere of influence and annexation of the subject Sunnyside Estates property, and an adjacent area totaling 260 acres referred to as the Southside Road Annexation, into the District on July 24, 2014 (copy of LAFCO Resolution and map attached). The application materials included a Plan for Providing Services (in conformance with Government Code section 56653) stating:

SSCWD can provide adequate water service for domestic purposes and fire protection to the proposed annexation area. No other services are proposed as part of this annexation. [Emphasis added]

In the attached copy of the LAFCO Resolution, under Section 4, it is clearly stated that the expanded sphere will allow the District "...to provide water service to the affected territory" with no reference to contemplated sewer service.

Donald G. Ridenhour, P.E.
Sunnyslope County Water District
December 15, 2016
Page 4

In order to qualify for the exemption from LAFCO approval under Government Code section 56133, the District needs to produce evidence that the City is providing the same level of service contemplated by the existing service provider (the District) for the project or for any other area within the District where the District intends on relying on this Agreement. Merely stating that the Agreement is entered pursuant to and consistent with Government Code section 56133(e)(1) in Section 1.01 of the Agreement is not adequate.

Alternative Courses of Action to Reach Compliance with Government Code 56133

The primary option available to the District is to provide documentation, such as an Engineers Report or wastewater master plan, which identifies that the District had originally contemplated providing sewer to the 260 acre annexation area included in LAFCO File No. 485. Perhaps the statement that "no other services are proposed" was based on the conclusions of a prior master plan or similar study, and due to economic conditions, the plan was dropped in favor of connection to the City sewer system.

Another option previously discussed is for the City to amend their General Plan to indicate a larger growth boundary, and to propose an increase in their sphere of influence for LAFCO's approval which includes areas they desire to expand their sewer services, and ultimately their City limits into so that LAFCO would have the basis to approve the pending out of agency service application in compliance with Government Code section 56133(b). A third option, which was also discussed at the June 2, 2016 meeting, is for the City to consider establishing a separate special district (such as a County Sanitation District) for their sewer facilities and having LAFCO approve the formation along with a district boundary including lands matching the Hollister Urban Service Area map or similar boundary. As mentioned many times previously, the Hollister Urban Service Area boundary is not a boundary that is exempt from compliance with Government Code Section 56133.

Once you have reviewed the information in this letter, we can arrange a meeting to discuss what the best course of action is moving forward. This is also an important issue I plan to discuss with the LAFCO Commissioners at an upcoming meeting once several new Commissioners are sworn in. If you have any immediate questions, please give me a call at (209) 769-0472 or send me an e-mail at: bnicholson@cosb.us.

Sincerely,



Bill Nicholson
Executive Officer

cc: William Avera, City Manager, City of Hollister

Donald G. Ridenhour, P.E.
Sunnyslope County Water District
December 15, 2016
Page 5

Bradley Sullivan, City Attorney
Ray Espinosa, CAO, San Benito County
John Brigantio, Property Owner, Sunnyside Estates
LAFCO Commissioners
LAFCO Counsel

Attachment – LAFCO Resolution and Map for Southside Road Annexation, (LAFCO
File No. 481)

RESOLUTION OF THE
SAN BENITO LOCAL AGENCY FORMATION COMMISSION
MAKING WRITTEN DETERMINATIONS AND CEQA FINDINGS
AND MODIFYING THE SPHERE OF INFLUENCE
OF THE SUNNYSLOPE COUNTY WATER DISTRICT
(LAFCO No. 585 Southside Road Annexation)

WHEREAS, the Sunnyslope County Water District has filed with the Executive Officer of the San Benito Local Agency Formation Commission a request to modify its sphere of influence pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (Section 56425 et seq. of the Government Code); and

WHEREAS, in the manner required by law, the Executive Officer has given notice of the public hearing by the Commission on the proposal; and

WHEREAS, the Commission heard, discussed and considered all evidence concerning the proposal, including but not limited to, the Executive Officer's report and recommendation, the environmental document, applicable general and specific plans and all testimony, correspondence and exhibits received during the public hearing, all of which are included herein by reference.

NOW THEREFORE, IT IS RESOLVED, DETERMINED AND ORDERED as follows:

1. The project before the Commission is a proposed amendment of the Sunnyslope County Water District Sphere of Influence.
2. The Commission is a responsible agency under CEQA and in accordance with CEQA Guideline 15319 has reviewed and considered the information in the Negative Declaration thereof prepared and certified by the Sunnyslope County Water District.
3. The Sunnyslope County Water District sphere of influence is hereby modified to include the area shown on the attached map labeled "Exhibit A."
4. The expanded sphere will allow the Sunnyslope County Water District to provide water service to the affected territory.
5. The need for public services and facilities in the sphere expansion area is to provide community water services for existing and future uses within the area.
6. The Sunnyslope County Water District has sufficient present capacity and facilities to provide services to benefit the sphere expansion area.

7. The area being included in the sphere is socially and economically interdependent with the remainder of the Sunnyslope County Water District community.

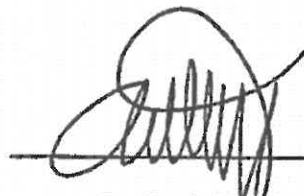
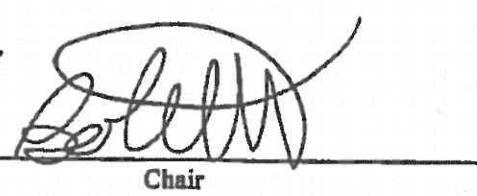
8. This resolution was adopted on July 24, 2014 and is effective on the date signed by the Chair.

AYES: Barrios, Bettencourt, Botelho, Edge, Valdivia

NOES: None

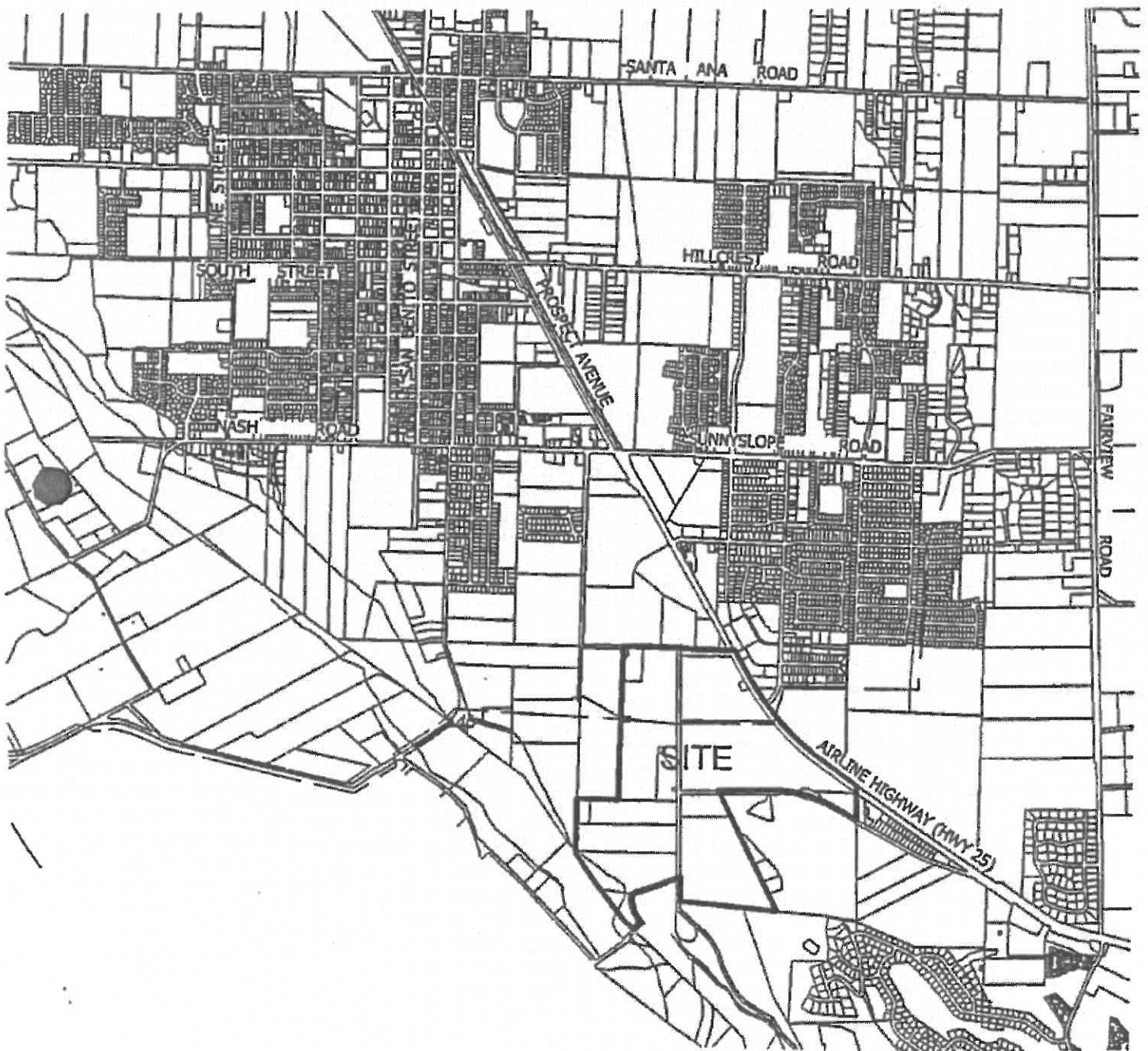
ABSTAINS: None

Dated: 7-24-14

 
Chair
San Benito Local Agency Formation Commission

ATTEST


Bob Braitman, Executive Officer
San Benito Local Agency Formation Commission



Expansion of Sunnyslope County Water District Sphere of Influence and
Southside Road Annexation to Sunnyslope County Water District LAFCO No. 485

Exhibit A

INFORMATIONAL

9. Joint Powers Agreements and SB 1266 – Filing agreements with LAFCO.

10. CALAFCO Legislative Committee Status Report.

11. Adjourn to regular meeting at 6:00 PM on August 10, 2017, unless meeting time is changed based on Commission action or cancelled by Chair.

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

DATE: July 13, 2017 (Agenda)
TO: Local Agency Formation Commission
FROM: ^{Bh} Bill Nicholson, Executive Officer
RE: Joint Powers Agreements and SB 1266
(Agenda Item 9)

Senate Bill 1266 of 2016, requires that certain Joint Powers Authorities (JPAs) file copies of their operating agreements with the local LAFCO in the jurisdictions where the JPA services are provided, no later than by July 1, 2017. Any amendments or new JPA agreements occurring after this date are also required to be filed with LAFCO.

While no action or approval is required by the Commission, there are limitations on seeking certain grant funding until the filing with LAFCO has occurred. This Memo is being provided to the Commission for information, and to report that as of July 1, 2017, only one JPA agreement has been filed with San Benito LAFCO:

“The Monterey Bay Power Authority of Monterey, Santa Cruz and San Benito Counties” entered into by the various Counties and Cities within the three Counties between February and May 2017.

This is just an informational item. Staff will notify the Commission when other JPA agreements are filed with LAFCO.

LOCAL AGENCY FORMATION COMMISSION

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

DATE: July 13, 2017 (Agenda)

TO: Local Agency Formation Commission

FROM: ^{BN} Bill Nicholson, Executive Officer

RE: California Association of Local Agency Formation Commissions (CALAFCO)
Legislative Committee Update
(Agenda Item 10)

As requested at the June 29, 2017 Special Commission meeting, attached is a summary of the current legislation being sponsored or tracked by CALAFCO. As an alternate member on the Legislative Committee, I will be prepared to give a brief summary of this legislation during the July 13th Commission meeting, and if I receive any direction from the Commission I will be able to report back to the Legislative Committee the position San Benito LAFCO has taken. The next Legislative Committee meeting will be in late August.

One of the main bills CALAFCO sponsored already passed the legislature and is before the Governor for signature: AB 979 (Lackey) which would require LAFCOs which do not have special district representatives on their Commissions to call a Special District Selection Committee to solicit their interest in being represented, during the process that LAFCO must also conduct to appoint special district representation on the State mandated redevelopment agency oversight board to be established in each county where a redevelopment agency was operational. Other bills of interest to LAFCO will also be highlighted.

This is primarily an informational item, however, Staff will be prepared to forward any input received to the Legislative Committee.

Enclosure: CALAFCO List of Current Bills as of June 23, 2017

**CALAFCO List of Current Bills
6/18/2017**

Priority 1

AB 464

(Gallagher R) Local government reorganization.

Current Text: Amended: 3/14/2017 Text

Introduced: 2/13/2017

Last Amend: 3/14/2017

Status: 6/15/2017-Read second time. Ordered to Consent Calendar.

Location: 6/15/2017-S. CONSENT CALENDAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/19/2017 #64 SENATE CONSENT CALENDAR FIRST LEGISLATIVE DAY

Summary: Under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, current law requires that an applicant seeking a change of organization or reorganization submit a plan for providing services within the affected territory that includes, among other requirements, an enumeration and description of the services to be extended to the affected territory and an indication of when those services can feasibly be extended. This bill would specify that the plan is required to also include specific information regarding services currently provided to the affected territory, as applicable, and make related changes.

Position

Subject

Sponsor

Annexation Proceedings

CALAFCO Comments: This bill makes a fix to Gov. Code Sec. 56653 based on the court finding in the case of The City of Patterson v. Turlock Irrigation District. The court found that because the services were already being provided via an out of area service agreement, the application for annexation was deemed incomplete because it was not a new service to be provided. By making the fix in statute, any pending/future annexation for a territory that is already receiving services via an out of area service agreement will not be in jeopardy.

As amended, corrections were made to: 56653(b)(3) reading "proposed" rather than "provided", and in Government Code Section 56857 an exemption added pursuant to Public Utilities Code Section 9608 for territory already receiving electrical service under a service area agreement approved by the Public Utilities Commission pursuant to Public Utilities Code Section 9608.

AB 979

(Lackey R) Local agency formation commissions: district representation.

Current Text: Amended: 5/15/2017 Text

Introduced: 2/16/2017

Last Amend: 5/15/2017

Status: 6/1/2017-Referred to Com. on GOV. & F.

Location: 6/1/2017-S. GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/21/2017 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides for the selection of representatives of independent special districts on each local agency formation commission by an independent special district selection committee pursuant to a nomination and election process. This bill would additionally require the executive officer to call and hold a meeting of the special district selection committee upon the adoption of a resolution of intention by the committee relating to proceedings for representation of independent special districts upon the commission pursuant to specified law.

Position

Subject

Sponsor

CKH General Procedures

CALAFCO Comments: This bill is co-sponsored by CALAFCO and CSDA. As amended, the bill amends code Sec.

56332.5 to streamline the process of seating special districts on LAFCo by mirroring current statute 56332 (the process for electing special district representatives into the special district seats). Keeping the process voluntary, it allows for voting by mail whether or not the district wants to have special districts represented on LAFCo. Further, it will allow for the consolidation of that question with the independent special district selection committee appointment to a countywide redevelopment agency oversight board pursuant to Health and Safety Code 34179 (j)(3).

AB 1725

(Committee on Local Government) Local agency formation.

Current Text: Amended: 5/2/2017 Text

Introduced: 3/20/2017

Last Amend: 5/2/2017

Status: 6/1/2017-Referred to Com. on GOV. & F.

Location: 6/1/2017-S. GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/28/2017 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary: The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 provides the exclusive authority and procedure for the initiation, conduct, and completion of changes of organization and reorganization for cities and districts, as specified. The act authorizes a local agency formation commission to establish a schedule of fees and a schedule of service charges for proceedings taken pursuant to the act, as specified. This bill would revise that provision to authorize a local agency formation commission to establish a schedule of fees and a schedule of service charges pursuant to the act.

Position

Subject

Sponsor

CKH General Procedures

CALAFCO Comments: This is the annual Omnibus bill. The bill currently has two items and will be amended soon to include four (4) additional items. The bill makes only minor, non-substantive technical changes to CKH.

SB 37

(Roth D) Local government finance: property tax revenue allocations: vehicle license fee adjustments.

Current Text: Introduced: 12/5/2016 Text

Introduced: 12/5/2016

Status: 5/26/2017-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/25/2017)(May be acted upon Jan 2018)

Location: 5/26/2017-S. 2 YEAR

Desk	Policy	2 year	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Beginning with the 2004-05 fiscal year and for each fiscal year thereafter, existing law requires that each city, county, and city and county receive additional property tax revenues in the form of a vehicle license fee adjustment amount, as defined, from a Vehicle License Fee Property Tax Compensation Fund that exists in each county treasury. Current law requires that these additional allocations be funded from ad valorem property tax revenues otherwise required to be allocated to educational entities. This bill would modify these reduction and transfer provisions for a city incorporating after January 1, 2004, and on or before January 1, 2012, for the 2017-18 fiscal year and for each fiscal year thereafter, by providing for a vehicle license fee adjustment amount calculated on the basis of changes in assessed valuation.

Position

Subject

Support

Financial Viability of Agencies, Tax Allocation

CALAFCO Comments: This bill is identical to SB 817 (Roth, 2016), SB 25 (Roth, 2015) and SB 69 (Roth, 2014) with the exception of the chaptering out language included in the 2016 version (which addressed the companion bill AB 2277 (Melendez, 2016)). The bill calls for reinstatement of the VLF through ERAF for cities that incorporated between January 1, 2004 and January 1, 2012. There are no provisions for back payments for lost revenue, but the bill does reinstate future payments beginning in the 2017/18 year for cities that incorporated between 1-1-2004 and 1-1-2012.

(Wieckowski D) Local government: organization: districts.

Current Text: Amended: 5/26/2017 Text

Introduced: 2/15/2017

Last Amend: 5/26/2017

Status: 6/15/2017-Referred to Com. on L. GOV.

Location: 6/15/2017-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law requires a report of an audit of a special district's accounts and records made by a certified public accountant or public accountant to be filed with the Controller and the county auditor of the county in which the special district is located within 12 months of the end of the fiscal year or years under examination. This bill would require that those audit reports also be filed with the local agency formation commission of either the county in which the special district is located or, if the special district is located in 2 or more counties, with each local agency formation commission within each county in which the district is located until January 1, 2027, and thereafter with the county containing the greatest percentage of the assessed value of taxable property in the district.

Position

Subject

Oppose unless
amended

CKH General Procedures

CALAFCO Comments: As amended substantially on May 26, this bill authorizes LAFCo to dissolve inactive districts (after determining they meet the criteria set forth in the statute) by holding one hearing, without conducting a special study and with the waiver of protest proceedings. The bill is currently silent on how the LAFCo knows a district is inactive and the time frame in which the LAFCo must take the dissolution action. CALAFCO has been working with stakeholders and the author's office on pending amendments that will help clarify the process and connect other statutes to these actions. CALAFCO submitted amendments on June 18 for the author's consideration.

Priority 2

(Oberholte R) Water supply: new residential development: building permits.

Current Text: Amended: 3/27/2017 Text

Introduced: 2/8/2017

Last Amend: 3/27/2017

Status: 6/13/2017-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 5/10/2017-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 7/5/2017 9:30 a.m. - Room 3191 SENATE ENVIRONMENTAL QUALITY, WIECKOWSKI, Chair

Summary: Current law prohibits a city, including a charter city, or a county from issuing a building permit for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility. This bill would exempt from the prohibition on the issuance of a building permit (1) developments where the source of water supply as described above is not significant and (2) developments of one detached single-family dwelling unit on a parcel that existed before January 1, 2017, if the water provided to the parcel will be obtained from a legal source and delivered by a licensed water hauler.

Position
WatchSubject
Water

CALAFCO Comments: As written, this bill will allow hauled water as a viable water source for certain single family dwelling parcels.

Priority 3

AB 267

(Waldron R) Community services districts.

Current Text: Introduced: 2/1/2017 [Text](#)

Introduced: 2/1/2017

Status: 5/12/2017-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/1/2017)(May be acted upon Jan 2018)

Location: 5/12/2017-A. 2 YEAR

2 year	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law provides for the organization and powers of community services districts, including the continuation of any community services district, improvement district of a community services district, or zone of a community services district, that was in existence on January 1, 2006. This bill would make nonsubstantive changes to these provisions.

Position

Subject

Watch

CALAFCO Comments: According to the author's office this is a spot bill.

AB 548

(Steinorth R) Omnitrans Transit District.

Current Text: Amended: 4/4/2017 [Text](#)

Introduced: 2/14/2017

Last Amend: 4/4/2017

Status: 4/28/2017-Failed Deadline pursuant to Rule 61(a)(2). (Last location was TRANS. on 3/23/2017)(May be acted upon Jan 2018)

Location: 4/28/2017-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would create the Omnitrans Transit District in the County of San Bernardino. The bill would provide that the jurisdiction of the district would initially include the Cities of Chino, Chino Hills, Colton, Fontana, Grand Terrace, Highland, Loma Linda, Montclair, Ontario, Rancho Cucamonga, Redlands, Rialto, San Bernardino, Upland, and Yucaipa, and unspecified portions of the unincorporated areas of the County of San Bernardino. The bill would authorize other cities in the County of San Bernardino to subsequently join the district.

Position

Subject

None at this time

CALAFCO Comments: This bill, as amended, appears to dissolve the Omnitrans JPA and form a new independent special district to be known as the Omnitrans Transit District. The formation process does not include LAFco. CALAFCO is reaching out to the author's office for more details.

AB 577

(Caballero D) Disadvantaged communities.

Current Text: Amended: 3/9/2017 [Text](#)

Introduced: 2/14/2017

Last Amend: 3/9/2017

Status: 4/28/2017-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.S. & T.M. on 2/27/2017)(May be acted upon Jan 2018)

Location: 4/28/2017-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law defines a disadvantaged community as a community with an annual median household income that is less than 80% of the statewide annual median household income for various purposes, that include, but are not limited to, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, eligibility for certain entities to apply for funds from the State Water Pollution Cleanup and Abatement Account, and authorization for a community revitalization and investment authority to carry out a community revitalization plan. This bill would expand the definition of a disadvantaged community to include a community with an annual per capita income that is less than 80% of the statewide annual per capita income.

Position

Subject

Watch

Disadvantaged Communities

CALAFCO Comments: Sponsored by the Environmental Justice Coalition for Water, this bill is intended to expand the definition of disadvantaged communities to include multi-family households. According to the author's office this will be a two-year bill. CALAFCO will retain a Watch position until any amendments are in print.

AB 645

(Quirk D) Local government: organization: dissolution.

Current Text: Introduced: 2/14/2017 [Text](#)

Introduced: 2/14/2017

Status: 5/12/2017-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/2/2017)(May be acted upon Jan 2018)

Location: 5/12/2017-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Under current law, if a change of organization consists of a dissolution, the commission is required to order the dissolution subject to confirmation of voters if, among other things, the proposal was not initiated by the commission and if a subject agency has not objected to the proposal, the commission has found that, for an inhabited territory protests have been signed by either 25% of the number of landowners within the affected territory who own at least 25% of the assessed value of land within the territory or 25% of the voters entitled to vote as a result of residing or owning land within the affected territory. This bill would decrease that threshold to 10% of the number of landowners within the affected territory who own at least 25% of the assessed value of land within the territory or 10% of the voters entitled to vote as a result of residing or owning land within the affected territory.

Position

Subject

Watch

CKH General Procedures,
Disincorporation/dissolution,
Special District Consolidations

CALAFCO Comments: According to the author's office this is a spot bill pending the outcome of the Alameda LAFCo special study on Eden Healthcare District. Update: The author's office indicates they will hold off moving this bill. CALAFCO will continue to Watch.

AB 892

(Waldron R) Municipal water districts: water service: Indian tribes.

Current Text: Amended: 3/23/2017 [Text](#)

Introduced: 2/16/2017

Last Amend: 3/23/2017

Status: 5/12/2017-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/23/2017)(May be acted upon Jan 2018)

Location: 5/12/2017-A. 2 YEAR

Desk	2 year	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Current law, upon the request of certain Indian tribes and the satisfaction of certain conditions, requires a district to provide service of water at substantially the same terms applicable to the customers of the district to the Indian tribe's lands that are not within a district, as prescribed. This bill would authorize, rather than require, a district to provide this service of water. The bill would apply this authorization to all Indian tribes whose lands are owned by the tribe.

Position

Subject

Watch

Water

CALAFCO Comments: According to the author's office, this may very well become a two-year bill. The intent of the bill was to make it permissive for an Indian tribe to negotiate directly with a water provider to obtain water services. This would circumvent LAFCo. This bill expands on last year's bill by Gonzalez-Fletcher, AB 2470. The author's office has indicated the bill will not move forward in it's current version. They understand CALAFCO's concerns. CALAFCO will continue to monitor the bill for any amendments and will consider a position if/when amendments are in print.

AB 1728

(Committee on Local Government) Health care districts: board of directors.

Current Text: Introduced: 3/22/2017 [Text](#)

Introduced: 3/22/2017

Status: 6/1/2017-Referred to Com. on GOV. & F.

Location: 6/1/2017-S. GOV. & F.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/28/2017 9:30 a.m. - Room 112 SENATE GOVERNANCE AND FINANCE, MCGUIRE, Chair

Summary: Each health care district has a board of directors with specific duties and powers respecting the creation, administration, and maintenance of the district, including purchasing, receiving, having, taking, holding, leasing, using, and enjoying property. This bill would require the board of directors to adopt an annual budget in a public meeting, on or before September 1 of each year, that conforms to generally accepted accounting and budgeting procedures for special districts, establish and maintain an Internet Web site that lists contact information for the district, and adopt annual policies for providing assistance or grant funding, if the district provides assistance or grants.

Position
Support

Subject
Other

CALAFCO Comments: As introduced, this bill requires healthcare districts to adopt annual budgets, establish and maintain a website (and prescribes the required site content), and adopt policies for grant funding.

SB 206

(Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/1/2017 Text

Introduced: 2/1/2017

Status: 6/15/2017-Read second time. Ordered to consent calendar.

Location: 6/15/2017-A. CONSENT CALENDAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/19/2017 #36 ASSEMBLY CONSENT CALENDAR 1ST DAY SENATE BILLS

Summary: Would enact the First Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Position
Support

Subject
LAFCo Administration

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 207

(Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/1/2017 Text

Introduced: 2/1/2017

Status: 6/15/2017-Read second time. Ordered to consent calendar.

Location: 6/15/2017-A. CONSENT CALENDAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/19/2017 #37 ASSEMBLY CONSENT CALENDAR 1ST DAY SENATE BILLS

Summary: Would enact the Second Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities. This bill would declare that it is to take effect immediately as an urgency statute.

Position
Support

Subject
LAFCo Administration

CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 208

(Committee on Governance and Finance) Validations.

Current Text: Introduced: 2/1/2017 Text

Introduced: 2/1/2017

Status: 6/15/2017-Read second time. Ordered to consent calendar.

Location: 6/15/2017-A. CONSENT CALENDAR

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Calendar: 6/19/2017 #38 ASSEMBLY CONSENT CALENDAR 1ST DAY SENATE BILLS

Summary: Would enact the Third Validating Act of 2017, which would validate the organization, boundaries, acts, proceedings, and bonds of the state and counties, cities, and specified districts, agencies, and entities.

Position

Subject

Support LAFCo Administration
CALAFCO Comments: One of three annual acts which validate the boundaries of all local agencies.

SB 365

(Dodd D) Regional park and open-space districts: County of Solano.

Current Text: Introduced: 2/14/2017 Text

Introduced: 2/14/2017

Status: 5/26/2017-Referred to Com. on L. GOV.

Location: 5/26/2017-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Calendar: 6/28/2017 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LOCAL
GOVERNMENT, AGUIAR-CURRY, Chair

Summary: Current law authorizes proceedings for the formation of a regional park and open-space or regional open-space district in specified counties in the state to be initiated by resolution of the county board of supervisors adopted after a noticed hearing, and specifies the contents of the resolution. This bill, in addition, would authorize the formation of a regional district in the County of Solano to be initiated by resolution of the county board of supervisors after a noticed hearing. The bill would specify the contents of the resolution, including the calling of an election, as prescribed.

Position
Oppose

Subject
LAFCo Administration

CALAFCO Comments: This bill calls for the formation of a regional park and open space district which will circumvent the LAFCo formation process. CALAFCO discussed our concerns with the author's office, who has made it clear they will not be considering any potential amendments unless requested by Solano LAFCo. As Solano LAFCo is now formally in support of the bill, it is not likely there will be any amendments.

SB 435

(Dodd D) Williamson Act: payments to local governments.

Current Text: Amended: 5/2/2017 Text

Introduced: 2/15/2017

Last Amend: 5/2/2017

Status: 5/25/2017-May 25 hearing: Held in committee and under submission.

Location: 5/25/2017-S. APPR. SUSPENSE FILE

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Would, under the Williamson act, reduce the amount per acre paid to a city, county, or city and county under these provisions to \$2.50 for prime agricultural land, \$0.50 for all other land devoted to open-space uses of statewide significance, and, for counties that have adopted farmland security zones, \$4 for land that is within, or within 3 miles of the sphere of influence of, each incorporated city.

Position
Support

Subject
Ag Preservation - Williamson

CALAFCO Comments: This bill renews partial subvention funding for the Williamson Act as a fiscal incentive to lift contract moratoria, implements solar use easements and Farmland Security Zone Contracts, and increases subvention funding for counties that adopt conservation planning strategies for agriculturally zoned property that further our state's sustainable community goals.

SB 634

(Wilk R) Santa Clarita Valley Water District.

Current Text: Amended: 5/26/2017 Text

Introduced: 2/17/2017

Last Amend: 5/26/2017

Status: 6/15/2017-Referred to Coms. on L. GOV. and W.,P., & W.

Location: 6/15/2017-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf.	Enrolled	Vetoed	Chaptered
1st House				2nd House				Conc.			

Summary: Current law, the Castaic Lake Water Agency Law, created the Castaic Lake Water Agency and authorizes the agency to acquire water and water rights, including water from the State Water Project, and to provide, sell, and deliver water at wholesale for municipal, industrial, domestic, and other purposes. This bill would repeal the Castaic Lake Water Agency Law. This bill contains other related provisions and other current laws.

Position
Oppose unless
amended

Subject
Special District Consolidations

CALAFCO Comments: As amended, this bill consolidates two independent water districts in Los Angeles. The bill was amended to include LAFCo in the process via an application for binding conditions. As statute does not allow the local LAFCo to deny the application when both district boards have adopted resolutions of support, the amendments of May 26 address all of CALAFCO's concerns. The legislative committee will be reconsidering our current position on June 23.

SB 693

(Mendoza D) Lower San Gabriel River Recreation and Park District.

Current Text: Introduced: 2/17/2017 Text

Introduced: 2/17/2017

Status: 6/15/2017-Referred to Coms. on L. GOV. and W.,P., & W.

Location: 6/15/2017-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary: Would specifically authorize the establishment of the Lower San Gabriel River Recreation and Park District, by petition or resolution submitted to the Los Angeles County Local Agency Formation Commission before January 1, 2020, subject to specified existing laws governing recreation and park districts, including their formation, except as provided. The bill would authorize specified city councils and the Los Angeles County Board of Supervisors to appoint the initial board of directors of the district.

Position
Watch

Subject
LAFCo Administration

CALAFCO Comments: This bill forms the Lower San Gabriel River Recreation and Park District while leaving a majority of the LAFCo process intact. CALAFCO will keep watching to ensure it stays that way.

Total Measures: 19