

# SAN BENITO LOCAL AGENCY FORMATION COMMISSION

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## MEETING AGENDA

Thursday, March 24, 2016

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

## CONSENT AGENDA

4. Approval of minutes for the February 25, 2016 meeting

## BOUNDARY CHANGE PROPOSALS

Consideration of annexing the following properties to the City of Hollister.

5. LAFCO 513 – Maple Park Annexation to the City of Hollister: approximately 5.43 acres located west of and including Chappell Road, between Maple Street and Primavera Drive; Hollister area; continued from February 25, 2016.
6. Update: Dissolution of Pacheco Pass Water District; approximately 511,651 acres of which 409,321 acres are located in San Benito County and 102,330 acres are within Santa Clara County; at intersection of Highways 152 and 156 and in proximity to the Dunneville, San Felipe, and Casa de Fruta; continued from the July 23, 2015 LAFCO meeting.

## BUSINESS ITEMS

7. LAFCO Executive Officer Recruitment
8. 2016 GIS Program Participation
9. 2016 LAFCO Budget
10. Status report on BAE Urban Economics fiscal study.
11. Commissioner Announcements and Requests for Future Agenda Items

## CLOSED SESSION

### 12. Public Employee Appointment

Title: LAFCO Executive Officer

Authority: California Government Code 54957

## INFORMATIONAL

### 13. Oral status report on pending proposals

### 14. Staff Announcements

### 15. Adjourn to regular meeting at 6:00 PM on April 21, 2016 unless canceled by Chair or a special meeting is called.

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

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

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

Disability Accommodations - Persons with a disability who require any disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the meeting are asked to contact the LAFCO office at least three (3) days prior to the meeting by telephone at 831/637-5313 or by email at [jslibsager@cosb.us](mailto:jslibsager@cosb.us).

SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

February 25, 2016

Board of Supervisors Chambers  
Hollister, CA

1. In the absence of Chair Edge, Vice Chair Bettencourt called the meeting to order at 6:00 pm. Present were Commissioners Barrios, Botelho and Velasquez, Alternate Commissioner Tognazzini, Executive Officer Bob Braitman and Legal Counsel Barbara Thompson. Commissioner Edge and Alternate Commissioners Gomez and Rivas were not present.
2. The Pledge of Allegiance was recited.
3. Public Comment Period - There were no public comments.

CONSENT AGENDA:

4. Approval of Minutes

Upon motion by Botelho, second by Velazquez, the minutes of the January 28, 2016 meeting were approved as submitted.

Ayes: Bettencourt, Botelho, Velazquez  
Noes: None  
Abstain: Barrios

OUT OF AGENCY SERVICE AGREEMENTS

5. LAFCO No. 512 – City of Hollister Out of Agency Service (Del Webb at San Juan Oaks)

Testimony was provided by Byron Turner representing San Benito County.

After due consideration, upon motion by Velazquez, second by Barrios, the Commission certified it had reviewed and considered the Subsequent Environmental Impact Report and adopted findings pursuant to the CEQA Guidelines by incorporating by reference the findings and statement of overriding considerations included in Board of Supervisors Resolution No. 2015-82 and approved this proposal allowing the City of Hollister to provide wastewater treatment services outside its boundaries for this potential wastewater service area.

Ayes: Barrios, Bettencourt, Botelho, Velazquez  
Noes: None  
Abstain: None

(4)

Commissioner Edge arrived at 6:15 PM and assumed the Chair.

6. LAFCO No. 508 – City of Hollister Out of Agency Service (Rodriguez)

Testimony was provided by Anne Hall representing the landowner and City of Hollister City Manager Bill Avera.

After due consideration, upon motion by Velazquez, second by Edge, the Commission voted to deny the application and encourage that the property be annexed to the City.

Ayes: Edge, Velazquez  
Noes: Barrios, Bettencourt, Botelho  
Abstain: None

After due consideration, upon motion by Barrios, second by Botelho, the Commission affirmed the Mitigated Negative Declaration and approved the City request to be allowed to provide water and sewer services to this property located outside of the city, with the condition that the property owner execute and record a covenant and consent to annex to the City that will insure to future owners of the property.

Ayes: Barrios, Bettencourt, Botelho  
Noes: Edge, Velazquez  
Abstain: None

BOUNDARY CHANGE PROPOSALS

7. LAFCO No. 13 – Maple Park Annexation to the City of Hollister

Testimony was provided by Hugh P. Bikle, the property owner, and interested citizens Richard Ferreira and Marilyn Ferreira.

Legal Counsel Barbara Thompson noted that due to litigation issues she recommends this item be continued to the future meeting.

After due consideration, upon motion by Velazquez, second by Botelho, the Commission continued the item to the March 24 LAFCO Meeting

Ayes: Barrios, Bettencourt, Botelho, Edge, Velazquez  
Noes: None  
Abstain: None

8. LAFCO No. 502 A – El Cerro Annexation to the City of Hollister

There was no public comment.

The Commission received a report from the staff that the required protest hearing was conducted on January 28 and that written protests calculated after the hearing was closed were not sufficient to terminate the proceeding. The annexation was recorded and the property is within the City as of February 3, 2016.

The Executive Officer informed the Commission LAFCO 502 B – Hillcrest Annexation to the City of Hollister had been recorded that day and the property is within the City as of February 25.

BUSINESS ITEMS

9. Consideration of Future LAFCO Staffing

The ad hoc Committee of Commissioners Botelho and Velazquez reported on their efforts with regard to filling LAFCO staff positions upon the departure of the current Executive Officer and Commission Clerk.

Testimony was provided by Brent Barnes, Director of the County Resource Management Agency and Bill Avera, City Manager of Hollister.

After due consideration, upon motion by Bettencourt, second by Velazquez, the Commission appointed Brent Barnes as Executive Officer effective March 1, 2016, authorized the Clerk of Board of Supervisors to provide Commission Clerk services and directed that Chapter 8 of the Commissioner Handbook be amended to remove reference to existing staff arrangements.

Ayes: Barrios, Bettencourt, Botelho, Edge, Velazquez  
Noes: None  
Abstain: None

10. Commissioner Announcements and Requests for Future Agenda Items

There were no announcements from Commissioners.

INFORMATIONAL

11. Transition Notes to Incoming Staff

The Commission received a report from the outgoing Executive Officer describing documents being provided to the incoming LAFCO staff, including a newly prepared Manual of Procedures and a review of the status of all pending LAFCO Proposals.

There was no public comment.

12. Staff Announcements

There were no staff announcements

13. Adjournment

Upon motion by Velazquez, second by Botelho, the meeting adjourned at 8:00 PM to the next regular meeting on Thursday, March 24, unless canceled by the Chair or a special meeting is called.

DRAFT

Final Minutes Approved by the Commission  
on March 24, 2016

By \_\_\_\_\_  
Rick Edge, Chair

(4)



**San Benito County  
Administrative Office**

Invoice No. 1075-LAFCO-1516

481 4th Street, Hollister, CA

95023

**INVOICE**

**Customer**

Name Local Agency Formation Commission  
Address 3224 Southside Road  
City Hollister State CA. ZIP 95023

**Misc**

Date 1/15/2016

Qty	Description	Unit Price	TOTAL
1	LAFCO - Share of GIS Program FY 2015-2016 (Annual Share - GIS Basic Maintenance & Map Layer Maintenance)		\$ 8,391.00

SubTotal \$ 8,391.00  
Shipping

**Submit To:**

San Benito County Administrative Office  
Attention: Dina Bies, Executive Secretary  
481 Fourth Street  
Hollister, CA. 95023

Phone: (831) 636-4000

Tax Rate(s)

**TOTAL** \$ 8,391.00

Office Use Only

Thank You

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**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

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

March 26, 2015 (Agenda)

Local Agency Formation Commission  
2301 Technology Parkway  
Hollister CA 95023

**Proposed LAFCO Budget for FY 2015-16**

Dear Members of the Commission:

RECOMMENDATION

It is recommended the Commission:

1. Review the Proposed Budget for Fiscal Year 2015-16, accept all public testimony and approve the Proposed Budget as presented.
2. Direct the staff to distribute the Proposed Budget to cities, special districts and the County as required by Government Code Section 56381.
3. Schedule a public hearing for May 28 to consider and adopt the Final Budget.
4. Direct the staff to advise the Commission of any changed conditions that could adversely affect LAFCO's ability to fulfill its responsibilities in the coming year.

DISCUSSION

We are presenting the Proposed Budget for Fiscal Year 2015-2016 at this meeting so it can be distributed to local agencies for their review, followed by adoption of the Final Budget at the Commission meeting on May 28.

There are no changes in the Proposed Budget from the current year budget. There is sufficient funding for the Commission to meet its statutory obligations and provide an acceptable level of services for local agencies and the public.

While they don't affect the adoption of the Proposed Budget, the staff is continuing to work with the County Auditor-Controller and County Administrative staffs to resolve some pre-existing accounting issues.



### Introduction

LAFCO is an independent commission established by the legislature to carry out specific duties. It is responsible for adopting its own budget to fulfill the purposes described in the Cortese/Knox/Hertzberg Act. The law does not require approval of the budget by the County, the cities or any other local agencies

Government Code Section 56381(a) governs the preparation of the LAFCO budget. It reads as follows:

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

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

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

### Appropriations

The Proposed Budget is \$143,416 which is identical to the current year budget.

A chart of accounts and descriptions of individual accounts are attached. There are fewer accounts shown in this budget than in prior years since we have chosen not to list those accounts that do not contain appropriations.

This chart of accounts shows the current year budget, expenditures through February and the recommended appropriations for the coming year.

Appropriations that are not expended during one fiscal year become part of the Available Fund Balance to finance the following fiscal year budget.

Thus far, with 66.6% of the fiscal year elapsed we have expended 34% of the approved budget. This figure will increase significantly as the Commission's contributions to the Cost Allocation Plan and contribution to the GIS program are processed.

### Revenues

Contributions from the County and cities represent the great majority of LAFCO revenue.

In addition the Commission receives fees for processing boundary changes and modifying spheres of influence. In the current fiscal year revenues of \$2,240 have been received as of February 25 and are anticipated to total \$3,394 for the entire fiscal year.

Designation for Contingency

The Commission maintains a \$10,000 designation for contingency. These funds should be available should the need arise due to unforeseen circumstances.

The amount of the designation for contingency remains unchanged from year to year but interest earned on this fund is allocated as revenue to the Commission's working budget.

Conclusion

In consideration of this information, it is recommended the Proposed Budget be approved for distribution to local agencies as required by Government Code Section 56381 and that a public hearing on the Final Budget be scheduled for the May 28 Commission meeting.

While a specific financial program is being recommended, the Commission should retain flexibility to make adjustments in the Final Budget should this prove warranted.

Please let me know if you have any questions.

Very truly yours,

*Brent Barnes*  
Executive Officer

# SAN BENITO LOCAL AGENCY FORMATION COMMISSION

## Proposed Budget for Fiscal Year 2015-16

### Explanation of Accounts

Account	Description	FY 2014-15 Adopted	As of 2/28/15*	FY 2015-16 Proposed	Change
619.166	CALAFCO Membership	800	769	800	0
	Membership dues are anticipated to increase from \$769 to \$785 for FY 2015-16.				
619.172	Office Expense - Postage	1,320	680	1,320	0
	No change in postage expenditures are anticipated for FY 2015-16				
169.174	Office Expense Copies & Supplies	2,820	1,666	2,820	0
	We expend on average per month \$176 for copying and \$25 for office supplies.				
169.180	Public – Legal Noticing	750	387	750	0
	We estimate we will be required to publish 15 notices at an estimated cost of \$750.				
619.194	Training & Education	500	860	500	0
	The 2015 CALAFCO Annual Conference will be held in Sacramento in September. Funding is included for the staff to attend this conference. In FY 2014-15 the staff was authorized to attend the annual UCLA Land Use Law and Planning Conference and we anticipate a similar request may be submitted for FY 2015-16.				
619.196	Travel – Lodging	1,520	804	1,520	0
	Lodging - We are expending on average \$95 per month for travel lodging. We think this amount will remain essentially the same for the coming year.				
619.198	Travel – Meals	565	280	565	0
	Meals - We are expending on average \$47 per month for travel meals. We think this amount will remain essentially the same for the coming year.				
619.200	Travel – Mileage	5,116	1,852	5,116	0
	We are expending on average \$343 per month for travel mileage.				
619.210	Legal Counsel Services	10,000	570	10,000	0
	Legal services are provided by the County Counsel Office.				

\* Rounded to the nearest dollar.

San Benito Local Agency Formation Commission  
Proposed Budget for Fiscal Year 2015-16  
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Account	Description	FY 2014-15 Adopted	As of 2/28/15	FY 2015-16 Proposed	Change
623507	LAFCO Staff Services	61,200	35,700	61,200	0
	The staff services contract includes the Executive Officer and Commission Clerk. It became effective July 1, 2013 and no adjustments in the contract are proposed.				
619.226	Prof. Services – Public Wks	7,825	0	7,825	0
	Funding was approved in FY 2014-15 to develop and maintain a mapping program for city and special districts boundaries and Spheres of Influence. It is recommended that funding for this program be continued for FY 2015-16.				
623602	GIS Contribution	9,000	0	9,000	0
	The Commission participates in the County GIS Program. The amount is provided by the County as the LAFCO share of annual Basic Maintenance Expense.				
640101	Cost Allocation Plan	22,000	0	22,000	0
	The Commission participates in the County A87 Cost Allocation Plan. The amount is provided by the County as the LAFCO share of this program.				
640704	Retiree Medical/OPEB	10,000	5,530	10,000	0
	This account is related to the prior LAFCO staff.				
999901	Contingency Reserve	10,000	0	10,000	0
	This Contingency Reserve is recommended at the current amount for next year.				
	Totals	\$143,416	\$44,098	143,416	0