

SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
MINUTES OF MEETING

October 23, 2014

Board of Supervisors Chambers  
Hollister, CA

1. Chair Anthony Botelho called the meeting to order at 6:05 p.m.
2. Present were Commissioners Botelho, Bettencourt and Edge, Executive Officer Bob Braitman and Acting Legal Counsel Barbara Thompson. Commissioners Barrios and Valdivia, Alternate Commissioners Gomez, Rivas and Tognazzini were not present.
3. The Pledge of Allegiance was recited.

4. Public Comment Period

There were no public comments.

CONSENT AGENDA:

5. Approval of Minutes

Upon motion by Edge, second by Bettencourt, the minutes of the August 28 meeting were approved.

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

BOUNDARY CHANGE PROPOSALS

6. LAFCO No. 490 – Infelise Annexation to the City of Hollister

There were no public comments.

After due consideration, upon motion by Bettencourt, second by Edge, the Commission (1) certified it had considered the Mitigated Negative Declaration, (2) approved the proposal as recommended, (3) waived the conducting authority proceedings and (4) directed the staff to record the annexation after the County Surveyor finds the map and legal description to be acceptable.

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

MUNICIPAL SERVICE REVIEWS / SPHERE OF INFLUENCE UPDATES

7. San Benito Health Care District

Testimony was presented by Frankie Gallagher, representing the San Benito Health Care District.

After due consideration, upon motion by Bettencourt, second by Edge, the Commission determined that adopting the District's Sphere of Influence is exempt from CEQA since it is identical to District boundaries, approved the recommended Municipal Service Review determinations and adopted the Sphere of Influence.

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

8. San Benito Resource Conservation District

Testimony was provided by Paul Hain, representing the Resource Conservation District.

Commissioner Bettencourt indicated he may recommend to the Board of Supervisors that there should be five rather than seven District board members to facilitate achieving a quorum at their meetings.

After due consideration, upon motion by Edge, second by Botelho, the Commission determined that since there was no change in the District's Sphere the action was exempt from CEQA, approved the recommended Municipal Service Review determinations and updated without revising the Sphere of Influence.

Ayes: Botelho, Edge  
Noes: Bettencourt  
Abstain: None

PACHECO PASS WATER DISTRICT

9. The Executive Officer recommended that the Commission initiate the dissolution of the Pacheco Pass Water District, including as an addendum to his report this statement from the San Benito County Water District and Santa Clara Valley Water District:

Executives of the Santa Clara Valley Water District and the San Benito County Water District advise they have embarked upon a joint due diligence study of the assets and liabilities of Pacheco Pass Water District (PPWD); this study will

take a number of months to complete before these districts are ready to undertake negotiations prior to accepting any designation as successor agency or successor agencies.

Testimony was provided by Michael O'Connell, prior member of the Pacheco Pass Water District board of directors.

After due consideration upon motion by Edge, second by Bettencourt, the Commission initiated proceedings to dissolve the District, referred it to the Santa Clara LAFCO for its response and recommendations since the District has territory in Santa Clara County, directed staff to notify San Benito County, San Benito County Water District and Santa Clara Valley Water District of this matter and request their input, and directed staff to schedule the proposed dissolution on a future meeting agenda.

Ayes: Bettencourt, Botelho, Edge

Noes: None

Abstain: None

#### BUSINESS ITEMS

##### 10. Implementing Hollister Urban Services Area

The Executive Officer recommended the Commission confirm that the City of Hollister is authorized to provide sewer services outside its boundaries only if it first requests and receives approval.

Testimony was provided Bill Avera, representing the City of Hollister who expressed concern about the possibility of a future commission denying the City request to provide sewer service, based upon prior agreements designed to finance the cost of the wastewater treatment facility, and by Harry Blohm, representing the San Benito County Water District.

After due consideration, upon motion by Bettencourt, second by Edge, the Commission continued this matter to a future meeting when a full complement of Commissioners is present.

Ayes: Bettencourt, Botelho, Edge

Noes: None

Abstain: None

11. Commission Meeting Schedule

The Commission received the report on the meeting schedule for 2015. Commissioner Bettencourt requested that the schedule be e-mailed to members of the Commission.

There was no public comment.

12. Commission Budget for Fiscal Year 2014-2015

At the staff's request this matter was continued to the next Commission meeting so current budget figures can be presented.

There was no public comment.

13. Report on LAFCO-related Legislation

There was no public comment.

After due consideration, upon motion by Edge, second by Bettencourt, the Commission received the Executive Officer's report on LAFCO-related legislation.

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

14. UCLA Land Use Law and Planning Conference

There was no public comment.

After due consideration, motion by Bettencourt, second by Edge the Commission approved the Executive Officer request for payment of the registration for him to attend the annual UCLA Land Use Law and Planning Conference on January 30, 2015.

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

15. There were no Commissioner announcements or requests for future agenda items.

INFORMATIONAL

16. CALAFCO Annual Conference

The Commission received an oral report from the Executive Officer regarding the CALAFCO Annual Conference held October 15-17 in Ontario, California. He indicated there was an emphasis on emerging mapping technology such as GIS and water management issues in California.

There was no public comment.

17. Oral Staff Report on Pending Proposals

The Executive Officer reported on the status of pending proposals including recordation on September 30 of Ladd Ranch Annexation to the City of Hollister (LAFCO No. 486).

There was no public comment.

18. There were no staff announcements.

19. Upon motion by Bettencourt, second by Edge, the meeting was adjourned at 7:30 PM to the next regular meeting on Thursday, January 22, unless canceled by the Chair or a special meeting is called.

Final Minutes Approved by the Commission  
on January 22, 2014

By \_\_\_\_\_  
Anthony Botelho, Chair