

# **SAN BENITO LOCAL AGENCY FORMATION COMMISSION**

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## **REGULAR MEETING AGENDA**

**Thursday, July 9, 2020 – 6:00 P.M.**

Board of Supervisors Chambers  
481 Fourth Street, Hollister CA

**THE ATTENDANCE AT THE MEETING IS OPEN TO THE PUBLIC AS OF JULY 9, 2020, UNDER THE CONDITIONS LISTED BELOW IN COMPLIANCE WITH EXECUTIVE ORDER N-29-30. The public may also join meeting by Zoom: <https://zoom.us/join> per instructions below:**

1. Call to Order and Roll Call
2. Recitation of the Pledge of Allegiance
3. Approve Affidavit of Posting Agenda

### **TEMPORARY PROCEDURES FOR LAFCO COMMISSION MEETING:**

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, relating to the convening of public meetings in response to the COVID-19 pandemic, members of the Boards and Commissions are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

For the safety of public and county employee, please note the following. As of July 9, 2020 the LAFCO meetings will be open to the public, under the following conditions:

a) All attendees must comply with the State of California's face covering requirements, found at:

[https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings\\_06-18-2020.pdf](https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Guidance-for-Face-Coverings_06-18-2020.pdf)

b) All attendees must follow social distancing (6 feet) requirements while in-line and inside the County Administrative Building.

c) If you are exempt from the state face covering guidance (above), you must wear a face shield which will be provided to attend the LAFCO meeting. If you cannot, or choose not to, wear a face covering or face shield, you may participate in the LAFCO meeting by the Zoom call-in below.

d) All attendees must comply with any other rules of procedure/instructions announced by the Commission/County Staff.

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**Commissioners:** Mark Medina, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Richard Bettencourt ♦ Cesar Flores ♦ Jim Gillio

**Alternate Commissioners:** Peter Hernandez ♦ Elia Salinas ♦ Rolan Resendez      **Executive Officer:** Bill Nicholson

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e) Due to Social Distancing Requirements, only 10 Audience Chairs are available for the Public. They will be provided on a first-come first serve, basis, except any members of recognized press entities shall be given priority.

**FAILURE TO COMPLY WITH THE ABOVE GUIDELINES:**

A) The individual will be asked to leave the room.

B) The Chair will call a recess of the LAFCO meeting.

C) If the recess does not result in the individual complying with the above requirements or leaving the meeting, the Commission may close the meeting to the public and resume the meeting exclusively through Zoom and phone-in participation, at any point during the July 9th LAFCO meeting.

The July 9th meeting will continue to be available through Zoom with the instructions as follows below:

**Members of the public are encouraged to participate in Board meetings in the following ways:**

**ZOOM INSTRUCTIONS FOR REMOTE PARTICIPANTS:**

Three ways to attend zoom meetings: over the phone, on a web browser, or through the Zoom App. Each meeting will have a meeting ID and password, which is a unique number associated with an instant or scheduled meeting.

1. **Over the phone (Audio Only):** (669) 900-6833 or (408) 638-0968.

2. **Open the Web-browser:** <https://zoom.us/join>

3. **Smart Device Application:**

\_ \*Apple App store: <https://apps.apple.com/us/app/id99190510348>

\_ \*Android App store:

<https://play.google.com/store/apps/details?id=us.zoom.videomeetings>

**Zoom Audio Only (phone)**

If you are calling in as audio-only, please dial (669) 900-6833 or (408) 638-0968.

1. It will ask you to enter the Meeting ID #991 9051 0348, followed by the “#” key, which can be found at the top page of the agenda. The meeting agenda can be found at <http://cosb.us/>

2. It will then ask for a Password #825217, press the “#” key to continue.

3. Once you enter the zoom meeting, you will automatically be placed on mute.

**Zoom On Web-browser or Zoom app on Tablet or Smartphone**

If joining through web-browser launch: <https://zoom.us/join> or launch the Zoom app on your Tablet or Smartphone

1. Select “JOIN A MEETING”

2. The participant will be prompted to enter **Meeting ID** #991 9051 0348 and **Password** #825217 to join the meeting. Which can be found at the top page of the agenda. The meeting agenda can be found at <http://cosb.us/>
3. Participant can launch audio through their computer or set it up through the phone.
4. **Public Comment:** select the “**Participants Tab**” and click “**Raise hand**” icon, the zoom facilitator will unmute you when your turn arises.

#### CONSENT AGENDA

4. Approval of minutes: June 11, 2020

#### BUSINESS ITEMS – NON-HEARING ITEMS

5. Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(4) for continuation of sewer and water service from the City of Hollister to a migrant farm labor container conversion housing project consisting of up to 10 bedrooms and five bathrooms located at 3235 Southside Road (Assessors Parcel Number 020-300-030). The project is proposed by the San Benito County Farm Labor Association.
6. Update on Legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO)

#### INFORMATIONAL

7. Commissioner Announcements and Requests for Future Agenda Items
8. Executive Officer oral status report on pending proposals
9. Adjourn to next regular meeting on August 13, 2020, unless meeting is cancelled by the Chair.

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

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

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

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

*LOCAL AGENCY FORMATION COMMISSION  
2301 Technology Parkway  
Hollister, CA 95023*



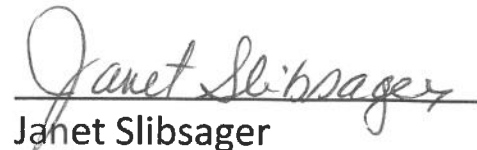
**CERTIFICATE OF POSTING**

Pursuant to Government Code § 59454.2(a) I, Janet Slibsager, Clerk of the Board of Supervisors, certify that the REGULAR MEETING AGENDA for the

**SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION**

Scheduled for July 9, 2020 was posted at the San Benito County Planning Department, 2301 Technology Parkway, Hollister, CA and at the San Benito County Administration Office, 481 Fourth Street, Hollister, CA on this 2<sup>nd</sup> Day of July, 2020.

All locations freely accessible to the general public.



Janet Slibsager

Clerk of the Board of Supervisors



# CONSENT AGENDA

**4. Approval of minutes: June 11, 2020 meeting.**



# **SAN BENITO LOCAL AGENCY FORMATION COMMISSION MINUTES OF MEETING**

June 11, 2020

Board of Supervisors Chambers - Hollister, CA

## **CALL TO ORDER**

1. Chair Mark Medina called the meeting to order at 6:00 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Cesar Flores, Mark Medina, Richard Bettencourt, and Ignacio Velazquez. Also present were Reed Gallogly, LAFCO Counsel, and Janet Slibsager, Recording Secretary.
2. Commissioner Bettencourt led the Pledge of Allegiance.
3. **APPROVE AFFIDAVIT OF POSTING AGENDA**

*Commissioner Bettencourt made a motion to accept the Affidavit of Posting, Commissioner Velazquez seconded.*

*Ayes: Medina, Flores, Bettencourt, and Velazquez  
Noes: None  
Abstain: None  
Absent: Gillio*

## **PUBLIC COMMENT**

4. **Public Comment Period:** There was no one from the public who wished to speak.

## **CONSENT AGENDA**

5. **Approval of minutes: May 14, 2020**

*Commissioner Bettencourt made a motion to approve the minutes of May 14, 2020, Commissioner Velazquez seconded.*

*Ayes: Medina, Flores, Bettencourt, Velazquez  
Noes: None  
Abstain: None  
Absent: Gillio*

**BUSINESS ITEMS- PUBLIC HEARING ITEMS**

6. **LAFCO 533 – Gonzalez Annexation No. 2 to the City of Hollister: Involving the annexation of approximately 12.1 acres of property into the City for future residential development. The property is located on the north side of Buena Vista Road, north of the extension of Vista View Lane, and approximately 500 feet west of Gonzales Drive (Assessor's Parcel Number 019-110-031). The actions requested are to make a determination that the Commission has reviewed and considered the City's Initial Study/Mitigated Negative Declaration prepared by the City of Hollister, and that there are no mitigation measures for the Commission to adopt, and to approve the annexation, and authorize LAFCO staff to complete the proceedings without further notice, hearing or election.**

Executive Officer Bill Nicholson provided information on the proposal to annex 12.1 acres into the City for future residential development and a presentation showing the maps. Mr. Nicholson provided the history and the acreage was part of the Gonzalez/Borelli initial study prepared by the City in 2016. Presented was map 1 of the annexation boundary and map 2 of the Hollister sphere of influence, and a site photo identifying the location of an existing domestic and agricultural well serving neighboring properties.

Discussion was held between Mr. Nicholson and Commissioners Bettencourt and Chair Medina regarding what the maps were displaying. Specific location of the well site and correspondence from the neighboring property owner, Linda Gomes, was held regarding the water lines and water well that provides water to the current homes and farmland. Mr. Nicholson is asking for a commitment letter to be sent from the applicant to the responsible party to insure in writing that they continue to offer maintaining the water supply.

Mr. Nicholson provided information on the City's environmental review and stated that LAFCO reviewed the study and there are is no mitigation measures to adopt by the Commission.

Mr. Nicholson presented staff's recommendation to approve the annexation, acknowledge the Commission reviewed the environmental review and study prepared by the City, and that there are no mitigation measures required by LAFCO, and adopt Resolution Number 533 approving the annexation of approximately 12.1 acres based on the 10 determinations on page 2 through 6 of the Executive Officer's Report.

Chair Medina opened public comment.

No one from the public wished to speak.

*Commissioner Bettencourt made a motion to approve option #1 based on the determinations in the Report and subject to the two conditions of approval, seconded by Commissioner Flores seconded.*

*Ayes: Medina, Bettencourt, Flores*

*Noes: Velazquez*

*Abstain: None*

*Absent: Gillio*

## **INFORMATIONAL**

### **7. Commissioner Announcements and Requests for Future Agenda Items**

Commissioner Bettencourt spoke about the general plan update with the City of Hollister.

Chairman Medina asked Commissioner Velazquez the time frame for the general plan.

Commissioner Velazquez responded in 18 months to two years.

Commissioner Bettencourt would like to know what his fellow commission would like to do about the concerns with protecting prime agricultural land. Discussion was held with Commissioners and Mr. Nicholson regarding issues and concerns with protecting prime agricultural prime land.

Commissioner Bettencourt would like to see this topic on a future agenda item.



**8. LAFCO Counsel oral report on question regarding the Executive Officer's Contract raised at the May 14, 2020 Commission Meeting**

Reed Gallogly from County Counsel provided a summary on the labor code and it does not apply to a public agency, LAFCO is a public agency.

Chairman Medina asked Mr. Gallogly if they need anything in writing stating that Mr. Nicholson is satisfied with the arrangement that he has.

Mr. Gallogly responded that adding in language for the next contract and getting it in writing will be beneficial.

Commissioner Bettencourt asked if LAFCO would be better protected if Mr. Nicholson was incorporated.

Mr. Gallogly provided information that it would not matter if he incorporated, and that modification to the contract would resolve it.

**9. Executive Officer oral status report on pending proposals**

Executive Officer Bill Nicholson discussed upcoming applications and is getting the pieces together for review of an annexation of an affordable housing project to County Service Area No. 53 and hopes to have it ready for the August meeting. In July a farm worker housing proposal, off Southside Road may come to the Commission for determination for exemption for a sewer and water extension from the City of Hollister. Mr. Nicholson discussed the City Council meeting that The City of Hollister talked about having a new manager of the City sewer plant.

Commissioner Velazquez said that the City is not looking into giving up management and ownership of the plant. The operations would be put out to bid to allow Sunnyslope County Water District to operate the plant but would not be looking for a partnership.

**ADJOURNMENT**

**10. Upon a motion by Commissioner Bettencourt, and seconded by Commissioner Medina, adjourned meeting at 6:53 p.m.**

Final Minutes Approved by the Commission  
on \_\_\_\_\_

By: \_\_\_\_\_  
Mark Medina, Chairman

# **BUSINESS ITEMS- NON-HEARING ITEMS**

- 5. Consideration of Exemption from LAFCO Review Under Government Code Section 56133(e)(4) for continuation of sewer and water service from the City of Hollister to a migrant farm labor container conversion housing project consisting of up to 10 bedrooms and five bathrooms located at 3235 Southside Road (Assessors Parcel Number 020-300-030). The project is proposed by the San Benito County Farm Labor Association.**
- 6. Update on Legislation proposed by or monitored by the California Association of Local Agency Formation Commissions (CALAFCO)**

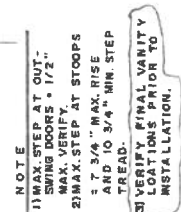




[illegible]

3

**SCALE: 1/4" = 1'-0"**



FLOOR AREA  
8' X 40' = 320 S.F. EACH  
(3) UNITS = 1600 S.F. TOTAL

**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

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

July 9, 2020 (Agenda)

Local Agency Formation Commission  
2301 Technology Parkway  
Hollister, CA 95023

**Consideration of Exemption from Government Code 56133(e)(4) for the  
San Benito County Farm Labor Association Container Housing Project  
(Agenda Item 5)**

Dear Members of the Commission:

RECOMMENDATION

Direct the Commission Chair to sign a letter to the City of Hollister verifying that their use of existing sewer and water connections from the City of Hollister for the proposed converted container migrant housing project at 3235 Southside Road is exempt from LAFCO approval under Government Code section 56133(e)(4).

DISCUSSION

As the Commission is aware, Government Code section 56133(a) requires Commission review and approval of service extensions by a city or special district to property located outside their city or district boundary. Under this section of the Government Code, there are specific criteria for granting approval along with several exemptions from LAFCO review and approval.

In coordination with Danny Hillstock, City Engineer for the City of Hollister, along with Greg Swett and Mary Lou Coffelt with the nonprofit San Benito County Farm Labor Association, San Benito LAFCO has been requestd to provide a letter confirming that the proposed 10 bedroom and five bathroom migrant housing project consisting of converted storage containers located on the site of the County Migrant Farmworker Housing complex is exempt from LAFCO approval for an out of agency boundary sewer and water connection from the City of Hollister. Specifically, the request is for the Commission to 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."

The location of the Migrant Farmlabor Housing Complex is presented in the attached regional map and aerial photo, with the proposed housing units consisting of converted storage containers being located along the eastern property line. These units are also identified in the attached Site Plan and Floor Plan.

To support this exemption, Mr. Hillstock and City staff have provided historic utility billing statements to the County owned property at 3235 Southside Road which indicate water service has been provided to the property by the City since October 1973, and sewer service has been provided since the 1990's. Also, based on City Finance Department records, there have been at least four housing units that were disconnected from City utility services in 2016, which would provide evidence that the requested connections do not increase the historic capacity of service to the migrant farmworker housing complex.

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Commissioners: Mark Medina, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Richard Bettencourt ♦ Cesar Flores ♦ Jim Gillio

Alternate Commissioners: Peter Hernandez ♦ Elia Salinas ♦ Ronan Rezendez Executive Officer: Bill Nicholson

The following City Finance Department Account details were identified by Becky Quezada in the City Finance Department, regarding active and disconnected sewer and water accounts:

**Account 371-1448 Migrant Camp**

Water: 1 meter serving 42 units; Size 2&5/8' meter size.

Rate: \$78.95 base rate charge for high consumption and \$13.29 for low consumption.

Sewer: 42 units

Rate: Monthly charge is  $\$70.07 \times 42 = \$2,942.94$ .

City Billing Start Date: 10/14/2015

**Account 371-1445 Men's camp**

Water: 1 meter for 2 dormitory units; Size 2' meter size.

Rate: \$78.95, plus consumption at \$4.39

Sewer: 2 units dormitory units monthly charge  $\$70.07 \times 2 = \$140.14$

Property might have detached shower/bathroom area and a large kitchen/eating area separate from the dormitory structures.

City Billing Start Date: 3/3/1995

**Account 371-1445 Mobile homes**

Water: 1 meter for 10 mobile home units; Size 2' meter.

Rate: \$78.95, plus consumption at \$4.39

Sewer: 10 units monthly charge is  $\$49.17 \times 10 = \$491.70$

Evidence of former connections that have been disconnected at the same address is provided in a copy of a printout of the Hollister Finance Department utility Account No. 371-1435. This document identifies that three units were disconnected from water and one unit for sewer on February 16, 2016. While there is no information on the level of consumption for water or sewer for these units, Staff is comfortable that the historic level of service would be approximately the same as required for the small housing quarters proposed in the current converted container housing project which will accommodate a maximum of 20 occupants.

In conclusion, LAFCo Staff supports the determination that the City of Hollister provided both sewer and water service to the migrant farmlabor facility at 3235 Southside Road prior to January 1, 2001, and the new request does not represent an increase from historic service levels.

Sincerely,



Bill Nicholson  
Executive Officer

Attachments: Regional Map and Aerial Image, Site Plan and Floor Plan, City Finance Department Account No. 371-1435 printout, and Draft Exemption Letter



## San Benito County

## SAN BENITO COUNTY Inactive

## Contract:

## Transactions

## General

## Summary

## Profile

## General

## Options

## Account History

## Payment

## Disconnection

## Account Status

## Additional Contacts

## User Defined

## Address

## Financial

## Fees and

## Discharge

## Fees

## Billing

## Past Due

## History

## Disconnection

## Devices

Service Address: 3235 SOUTHSIDE ROAD  
HOLLISTER, CA 95023  
Contract Number: 1011/1673  
Meter Number: 3235 SOUTHSIDE RD  
HOLLISTER, CA 95023-9631

Service Cycle: 02  
Service Cycle: 03  
Service Start Date: 2-16-2016  
Service End Date: 2-16-2016

## Services

Add

Service	Rate	Service Description	Status	Meter Number	Quantity	Quality	Serial Number
100	180	WATER	Inactive	Pulled	1.00	0.00	
100	180	WATER	Inactive	Pulled	1.00	0.00	
100	740	WATER	Inactive	Pulled	1.00	0.00	
200	FR	SEWER	Inactive		1.00	0.00	

## Financial

Total Deposits Collected:	Current Due	\$0.00
\$0.00	Arrears	\$0.00
	Balance	\$0.00
	Pending Activity	\$0.00
	Contracts	\$0.00
	Fees	\$0.00
	Energy Assistance	\$0.00
	Unit and Deposits	\$0.00
	Overhead	\$0.00
	Total Balance	\$0.00

## Consumption Comparison

No Services

Not Enough Data to Display Graph

## Last Bill : 3/25 - \$0.00

Bill Date	Last Payment Due Date	Amount
4/20/16	3/15/16	2/16/16
		-\$3,921.772/16/16

## Past Due: None

Status	Past Due Amount	Current
None		
Arrears		
None		

## Transaction History

Date	Type	Reference	Amount	Cumulative Balance
2016	Credit	Application	\$0.00	\$0.00
2016	Bill	DISCONNECTED	\$1.00	\$1.00
2016	Refund	Credit # 148177	\$91.00	\$0.00
2016	Removal	Excluded by 4	\$0.00	-\$90.00
2016	Memo	Disconnection	\$1.00	-\$91.00
2016	Payment	Paid Full Bill	-\$3,921.77	-\$503.75
2016	Memo	Credit Rate	\$0.00	-\$503.75

View All



# 3235 Southside Road

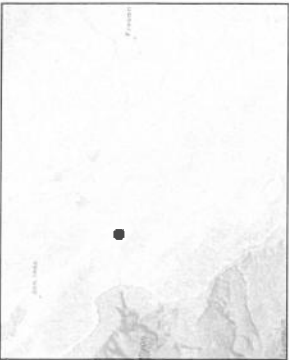


1:9,028



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

WGS\_1984\_Web\_Mercator\_Auxiliary\_Sphere  
©County of San Benito, GIS Services



## Legend

- SBC Parcels
- California County Boundaries
- <all other values>
- San Benito
- City Limit
- Tentative Subdivision
- Hollister Airport Runways
- Tentative Streets
- Park

## Notes



3235 Southside Rd



1: 4,514



### Legend

- SBC Parcels
- California County Boundaries
- <all other values>
- San Benito
- City Limit
- Tentative Subdivision
- Hollister Airport Runways
- Tentative Streets
- Park

### Notes

752.3 0 376.17 752.3 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

WGS, 1984, Web\_Mercator\_Auxiliary\_Sphere  
©County of San Benito, GIS Services

**LOCAL AGENCY FORMATION COMMISSION**

SAN BENITO COUNTY

2301 Technology Parkway

Hollister, CA 95023

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

**DRAFT**

July 9, 2020

Danny Hillstock,  
City Engineer  
City of Hollister  
375 Fifth Street  
Hollister, CA 95023

RE: Exemption from LAFCO Review Under Government Code 56133(e)(4) for the San Benito County Farm Labor Association Container Housing Project located at 3235 Southside Road

Dear Mr. Hillstock:

The Commission reviewed the City's request for San Benito LAFCO review of the proposed sewer and water extension to the 10 bedroom project involving converted container units located at the Couty Migrant Farmlabor Housing Center at 3235 Southside Road. At the July 9, 2020, regular meeting, the Commission voted to find the service extension qualified as an exemption from Commission reiew under Government Code section 56133(e)(4): "An extended service that a city or district was providing before January 1, 2001."

This determination was based on the information provided by the City which verified the historic sewer and water service provided to the site by the City well before 2001, and evidence that the City was not increasing the level of service to the property as a result of the disconnection of service to former housing units in February 2016 (Former Account No. 371-1435).

This letter serves as notice that the LAFCO of San Benito County has determined the connections to the existing City of Hollister sewer and water lines to the proposed converted container farmlabor housing project at 3235 Southside Road is exempt from the Commission's review and approval. Please let us know if you have any questions or need more information.

Sincerely,

Mark Medina  
LAFCO Chair

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**Commissioners:** Mark Medina, Chair ♦ Ignacio Velazquez, Vice Chair ♦ Richard Bettencourt ♦ Cesar Florez ♦ Jim Gillio

**Alternate Commissioners:** Peter Hernandez ♦ Elia Salinas ♦ Rolan Rezendez **Executive Officer:** Bill Nicholson

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# INFORMATIONAL

- 7. Commissioner Announcements and Requests for Future Agenda Items**
- 8. Executive Officer oral status report on pending proposals**
- 9. Adjourn to next regular meeting on August 13, 2020, unless meeting is cancelled by the Chair.**

