

# SAN BENITO LOCAL AGENCY FORMATION COMMISSION

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## REGULAR MEETING AGENDA

**Thursday, October 14, 2021 – 4:00 P.M.**

Board of Supervisors Chambers

481 Fourth Street, Hollister CA

**NOTE: NEW MEETING STARTING TIME**

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 Commission are allowed to attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

THIS MEETING WILL BE OPEN TO THE PUBLIC UNDER THE FOLLOWING CONDITIONS: The meetings are open to the public, under the following conditions: All Attendees must comply and wear a face covering if not fully vaccinated and show proof. If providing proof attendees will not need to wear a face covering. If you are exempt from the state face covering guidance or not fully vaccinated, you will be required to wear a face shield which will be provided to attend the meeting; All attendees must comply with any other rules of procedures/instructions announced by the Chair and/or County Staff. Any violations of the above may result in the Chair closing the meeting, effective immediately, or clearing the room, as well as other enforcement actions. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions below:

The meeting can also be accessed by the public in the following methods: Through Zoom (<https://zoom.us/join>) per the instruction stated below, and other methods as described further below with the following ID and Password:

Webinar ID: 841 9559 8844

Webinar Password: 809852

Participating by Zoom:

Three ways to attend Zoom meetings: on a web browser, through the Zoom App, or over the phone. Each webinar will have a webinar ID and password, which is a unique number associated with an instant or scheduled meeting (found at the top of this text). The chat feature is disabled for all participants. Additionally, the video function is not available to the public.

Zoom regularly provides new versions of the Zoom desktop client and Zoom mobile app to release new security features and fix bugs. To ensure you can join the meeting and participate through public comment, please launch the web address to download the Zoom application: <https://zoom.us/support/download>. Furthermore, we recommend upgrading to the latest version

of Zoom once it is available. Please visit <https://support.zoom.us/hc/en-us/articles/201362233-Upgrade-update-to-the-latest-version> to ensure you have the newest Zoom update.

#### Zoom on Web-browser:

- a. If joining through web-browser, launch the address <https://zoom.us/join> or open the direct link listed below: <https://zoom.us> or launch the Zoom app on your Tablet or Smartphone.
- b. Select "JOIN A MEETING"
- c. The participant will be prompted to enter Webinar ID and Password listed above and name to join the meeting. The meeting agenda can be found at <https://www.cosb.us/>
- d. The participant can launch audio through their computer or set it up through the phone.
- e. Public Comment: Select the "Participants Tab" and click "Raise hand" icon, and the Zoom facilitator will unmute you when your turn arrives.

#### Zoom Audio Only (phone):

- a. If you are calling in as audio-only, please dial US: +1 669 900 6833 or +1 408 638 0968
- b. It will ask you to enter the Webinar ID listed above, followed by the "#" key (pound key), then enter Webinar Password listed above at the top page of the agenda. The meeting agenda can be found at <https://www.cosb.us/>
- c. It will then ask for a Participant ID, press the "#" key (pound key) to continue.
- d. Once you enter the Zoom meeting, you will automatically be placed on mute.
- e. Public Comment: If you are using a phone, please press "\*9" (star-nine) to raise your hand, and the Zoom facilitator will unmute you when your turn arrives.

#### Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Wednesday prior to the meeting to the LAFCO Clerk at [Jfrechette@cosb.us](mailto:Jfrechette@cosb.us).

#### Public Comment Guidelines

- a. The Commission welcomes your comments.
- b. If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.
- c. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.
- d. Please keep your comments, brief, to the point, and do not repeat prior testimony, so that as many people as possible can be heard. Your cooperation is appreciated.

If you have any questions, please contact the LAFCO Clerk at (831) 636-4000, Ext. 13 or email [JFrechette@cosb.us](mailto:JFrechette@cosb.us)

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

## BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS

4. Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of October 14, 2021 to November 13, 2021 pursuant to AB 361.

### PUBLIC COMMENT PERIOD

5. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda

### CONSENT AGENDA

6. Approval of minutes: August 12, 2021

## BUSINESS ITEMS – PUBLIC HEARING ITEMS

7. LAFCO 541 - Martinez Annexation to the Aromas Water District: Involving the annexation of approximately 6.93 acres located on the east side of Cole Road and approximately 1,500 feet north of Ricardo Drive into the Aromas Water District. The purpose of the request is to receive district water for the existing residence at 681 Cole Road (Assessor's Parcel Number 011-260-005). The actions requested are to determine the annexation is exempt from environmental review under sections 15303(d) and 15319 of the CEQA Guidelines and to consider approval of the annexation.

### INFORMATIONAL

8. Announcement of the scheduled Training Session/Workshop hosted by San Benito LAFCO with the San Benito County Board of Supervisors, and the City of Hollister and San Juan Bautista City Councils, set for 5:00 pm, Wednesday, October 27, 2021 at the Ridgemark Golf Course Clubhouse.
9. Commissioner Announcements and Requests for Future Agenda Items.
10. Executive Officer oral status report on pending proposals and other LAFCO business items.
11. Adjourn to special training/workshop meeting held jointly with the San Benito County Board of Supervisors, and the City of Hollister and San Juan Bautista City Councils on October 27, 2021, at 5:00 pm to be held at the Ridgemark Golf Club located at 3800 Airline Highway, Hollister.

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 a 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 Clerk's Office at least three (3) days prior to the meeting by telephone at 831/636-4000, Ext. 13 or by email at [Jfrechette@cosb.us](mailto:Jfrechette@cosb.us).

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



**CERTIFICATE OF POSTING**

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

**SAN BENITO COUNTY LOCAL AGENCY FORMATION COMMISSION**

Scheduled for October 14, 2021 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 8th Day of October, 2021.

All locations freely accessible to the general public.

Jennifer Frechette  
Clerk of the Board of Supervisors

# **BUSINESS – GENERAL BUSINESS, NON-HEARING ITEMS**

**4. Adopt proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of October 14, 2021 to November 13, 2021 pursuant to AB 361**



**LOCAL AGENCY FORMATION COMMISSION**  
SAN BENITO COUNTY

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

DATE: October 14, 2021 (Agenda)  
TO: Local Agency Formation Commission  
FROM: Bill Nicholson, Executive Officer

**Proposed resolution authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of October 14, 2021 to November 13, 2021 pursuant to AB 361.**

**(Agenda Item 4)**

REQUEST

It is requested the Commission adopt the proposed Resolution No. 2021-01 authorizing teleconferencing options for meetings of the Local Agency Formation Commission for the period of October 14, 2021 through November 13, 2021, pursuant to AB 361.

DISCUSSION

On June 11, 2021, Governor Newsom issued Executive Order N-08-21, amending his prior Executive Order N-29-20 and waiving certain provisions of the Brown Act relating to teleconferences/remote meetings by local agency legislative bodies. The Executive Order waived, among other things, the provisions of the Brown Act that otherwise required the physical presence of members of local agency legislative bodies or other personnel in a particular location as a condition of participation or as a quorum for a public meeting. These modifications remained in effect through September 30, 2021.

On September 16, 2021, the Governor signed Assembly Bill (AB) 361, a bill that codifies certain teleconference procedures that local agencies have adopted in response to the Governor's Brown Act-related Executive Orders. Specifically, AB 361 allows a local agency to continue to use teleconferencing under the same basic rules as provided in the Executive Orders under certain prescribed circumstances or when certain findings have been made and adopted by the local agency legislative body.

When the state of emergency lasts longer than 30 days, as is the case presently, the legislative body must make findings every 30 days to continue using the bill's exemption to the Brown Act teleconferencing rules. AB 361 mandates that the legislative body must find that there is a continuing need for teleconferencing due to dangers posed by the

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**Commissioners:** Bob Tiffany, Chair ♦ Richard Bettencourt, Vice Chair ♦ Ignacio Velazquez ♦ Cesar Flores ♦ Bea Gonzales

**Alternate Commissioners:** Roland Resindez ♦ Peter Hernandez ♦ Elia Salinas **Executive Officer:** Bill Nicholson

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Local Agency Formation Commission

Adoption of Resolution Authorizing Teleconferencing Options for Meetings Pursuant to AB 631

October 14, 2021

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ongoing state of emergency. This means that local agencies will have to put an item on the public meeting agenda at least every thirty days to make findings regarding the circumstances of the emergency and to vote to continue relying upon the law's teleconference provisions.

In order to continue to meet under those modified rules after November 13, the Commission will again need to reconsider the circumstances of the state of emergency and again make one of the additional findings required by AB 361.

Reducing the circumstances under which people come into close contact remains a vital component of the County's COVID-19 response strategy. Local agency public meetings are an essential government function and the last 18 months have proven that the hybrid format protects public access while minimizing exposure to COVID-19.

Staff therefore recommends that the Commission adopt findings that conducting in-person meetings at the present time would present an imminent risk to the health and safety of attendees. A resolution to that effect and directing staff to return each 30 days to afford the Commission the opportunity to reconsider such findings, is included herewith. If the Commission adopts the proposed resolution, they may continue to meet under the modified Brown Act teleconference rules of AB 631 through November 13, 2021.

Enclosure – Resolution No. 2021-01



LAFCO No. 2021-01

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF SAN BENITO  
COUNTY AUTHORIZING CONTINUED REMOTE TELECONFERENCE MEETINGS PURSUANT  
TO AB 361

WHEREAS, the Local Agency Formation Commission of San Benito County is committed to preserving and nurturing public access and participation in Commission meetings subject to the Ralph M. Brown Act ("Brown Act"); and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, the proclaimed state of emergency remains in effect; and,

WHEREAS, on March 17, 2020, Governor Newsom issued Executive Order N-29-20 that suspended the teleconferencing rules set forth in the California Open Meeting law, Government Code section 54950 et seq. (the "Brown Act"), provided certain requirements were met and followed; and,

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21 that clarified the suspension of the teleconferencing rules set forth in the Brown Act, and further provided that those provisions would remain suspended through September 30, 2021; and,

WHEREAS, on September 16, 2021, Governor Newsom signed AB 361 that provides that a legislative body subject to the Brown Act may continue to meet without fully complying with the teleconferencing rules in the Brown Act provided the legislative body determines that meeting in person would present imminent risks to the health or safety of attendees, and further requires that certain findings be made by the legislative body every thirty (30) days; and,

WHEREAS, California Department of Public Health ("CDPH") and the federal Centers for Disease Control and Prevention ("CDC") caution that the Delta variant of COVID-19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

WHEREAS, the Commission has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings subject to the Brown Act; and,

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the Local Agency Formation Commission of San Benito County deems it necessary to find that a requirement to meet in person for meetings of the Commission would present imminent risks to the health or safety of attendees, and thus, intends to invoke the provisions of AB 361 related to teleconferencing; and,

WHEREAS, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing, attached hereto as Exhibit "A", and incorporated herein by this reference; and,

WHEREAS, the Commission has considered all information related to this matter, as presented at the public meetings of the Commission, including but not limited to the current circumstances related to the state of emergency, which continues to remain in active.

WHEREAS, the Commission further finds that the state of emergency continues to directly impact the ability of the members to meet safely in person.

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

1. The Commission finds that the facts set forth in the recitals to this Resolution are true and correct.
2. The above findings and this resolution apply to all meetings of the Local Agency Formation Commission of San Benito County subject to the Brown Act for the period of October 14, 20-21 to November 13, 2021.
3. As long as the State Emergency remains in effect or until directed otherwise by the Commission, staff shall present to the Commission at every meeting as necessary, an item to continue the findings required by AB 361.
4. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of thirty (30) days from adoption of the Resolution or such time the Commission adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953; and,

5. The Executive Officer and LAFCO Counsel are directed to take such other necessary or appropriate actions to implement the intent and purposes of this resolution.

PASSED AND ADOPTED by the Local Agency Formation Commission of San Benito County, on this 14th day of October 2021, by the following vote:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSTAINING: COMMISSIONERS

ABSENT: COMMISSIONERS

Dated: \_\_\_\_\_  
Bob Tiffany, Chair  
San Benito Local Agency Formation Commission

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Bill Nicholson, Executive Officer  
San Benito Local Agency  
Formation Commission

\_\_\_\_\_  
Reed Gallogly, LAFCO Counsel

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

## EXHIBIT "A"



### SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

DAVID GHILARDUCCI, MD, FACEP  
INTERIM HEALTH OFFICER

TRACEY BELTON  
AGENCY DIRECTOR

PUBLIC HEALTH SERVICES  
Healthy People in Healthy Communities

September 30, 2021

CAO Ray Espinosa  
San Benito County Administration

#### Re: Recommendation on Social Distancing and Hybrid Meetings

Given the considerable impact on our community from the COVID-19 virus and the Delta variant, I strongly recommend that all legislative bodies, including but not limited to the County, cities, and special districts, local commissions and committees, and subsidiary bodies, continue social distancing measures for public meetings, including offering, at the legislative body's discretion, a remote or hybrid format for public meetings. Social distancing and masking remain crucial strategies in our fight to prevent contagion. Conducting public meetings in a remote or hybrid manner allows for members of the community to participate from the comfort of their homes without having to risk contracting the virus by attending in-person meetings.

These measures serve to help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where a virus can potentially spread among attendees and participants. However, when combined with social distancing and masking policies, and the continued effort to increase vaccination within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of contagion for not only the public, but for agency staff, presenters, and legislative body members as well.

If you have any questions regarding this recommendation, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "David Ghilarducci MD".

David Ghilarducci MD  
Interim Health Officer

PUBLIC HEALTH SERVICES  
331 Tres Pinos Road, Suite A-202  
Hollister CA 95023  
831-637-3367

ENVIRONMENTAL HEALTH  
331 Tres Pinos Road, Suite C-1  
Hollister CA 95023  
831-636-4025

MEDICAL THERAPY UNIT  
761 South Street  
Hollister CA 95023  
831-637-1529

08/23/21

# PUBLIC COMMENT PERIOD

5. Public Comment Period - This is an opportunity for members of the public to speak on items that are not on the agenda





# CONSENT AGENDA

6. Approval of minutes: August 12, 2021.



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

August 12, 2021

Board of Supervisors Chambers - Hollister, CA

## **CALL TO ORDER**

1. Chair Bob Tiffany called the meeting to order at 6:03 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Cesar Flores, Bea Gonzales, Richard Bettencourt, Bob Tiffany, and Ignacio Velazquez. Also present were Reed Gallogly, LAFCO Counsel, and Jennifer Frechette, Recording Secretary.
2. Commissioner Tiffany led the Pledge of Allegiance.
3. **APPROVE AFFIDAVIT OF POSTING AGENDA**

*Commissioner Velasquez made a motion to accept the Affidavit of Posting, Commissioner Bettencourt seconded. (5/0 vote)*

*Ayes: Tiffany, Bettencourt, Gonzales, Velazquez, and Flores  
Noes: None  
Abstain: None  
Absent: None*

## **PUBLIC COMMENT**

4. **Public Comment Period:** No comments.

## **CONSENT AGENDA**

5. **Approval of minutes: June 10, 2021**

*Commissioner Velazquez made a motion to approve the minutes of June 10, 2021, Commissioner Bettencourt seconded.*

*Ayes: Tiffany, Bettencourt, Gonzales, Velazquez, and Flores  
Noes: None  
Abstain: None  
Absent: None*

**BUSINESS ITEMS – GENERAL BUSINESS, NON-HEARING ITEMS:**

- 6. LAFCO 540 - City of Hollister Out of Agency Service extension to the Sunnyslope Christian Center: To provide a City sewer connection to the Sunnyslope Christian Center for a pending expansion and to replace the existing on-site septic system. The property consists of a 3.75 acre parcel located at 1520 Sunnyslope Road, approximately 500 feet east of Clearview Drive within the Hollister Sphere of Influence. The actions requested are to make an environmental determination regarding the adequacy of the County's Environmental Determination and consider approval of the sewer service extension from the City.**

Executive Officer Bill Nicholson gave a brief overview of the out of boundary request for sewer extension from the City of Hollister. This property currently relies on a septic system, and they got an expansion approved by San Benito County because of the size and amount of use but can't expand the septic any further so they need to connect to the City of Hollister sewer. The City of Hollister has agreed and drafted a Resolution and initiated an application to LAFCO. This property is surrounded by the city on three sides. The property owners have agreed that they will not protest annexation in the future in return for getting the sewer service and the property is within the sphere of influence. It makes sense not to require annexation at the moment and then some day in the future it can be annexed. Staff would support this annexation.

Commissioner Velazquez stated they went through this at the city and the applicant was willing to do all the items that were needed. They came to an agreement on this one as it reflects existing conditions of developed property.

Commissioner Bettencourt asked Commissioner Velazquez what Rule 20 was because he wants the public to know what it is. It is an agreement with Santana Ranch to put the power lines underground. One of the things that concerns him is that they would like to annex them into the city, but if they did the county might have an issue with Rule 20.

Commissioner Gonzalez had no comments.

Commissioner Flores had a question on page 3, item 5 of the Environmental Justice. He wanted to know if we are going to be getting rid of their septic system.

Commissioner Velazquez clarified that the applicant would be paying all the cost.



Public Comment: No public comment.

*Commissioner Velazquez made a motion to approve Option 1A, seconded by Commissioner Flores.*

*Ayes: Tiffany, Bettencourt, Gonzales, Velazquez, and Flores*

*Noes: None*

*Abstain: None*

*Absent: None*

**7. Consideration of changing the LAFCO meeting starting time from 6:00 pm to 4:00 pm, while maintaining the regular meeting day as the second Thursday of the Month**

Commissioner Tiffany explained that a few years ago the meetings were held at 3:00 pm or in the afternoon and to his understanding the time was changed to accommodate the previous chair.

Commissioner Velazquez stated that the time has changed over the years, the thought was that if the meetings were later in the day more people would show up, but that has not been the case and changing it later in the day has also made it difficult for other members and for staff. It seems like an appropriate time would be at 4:00 PM.

Commissioner Tiffany agreed that 4:00 PM would work better for him as well.

Commissioner Bettencourt stated it didn't make a difference for him because he is retired.

Executive Officer Bill Nicholson stated that the earlier the meeting is the better since he lives in Merced, but that he would come at any time.

Commissioner Gonzales stated that if 3:00 PM was an option she would support that due to the increase in the traffic for Mr. Nicholson coming from Merced later on in the day and also for staff and Madame Clerk. She preferred 3:00 PM, but 4:00 PM would be fine.

Commissioner Tiffany asked Mr. Nicholson if they could consider having the meeting at 3:00 PM since the agenda says 4:00 PM.

Counsel Gallogly answered Commissioner Tiffany's question and stated that it would be a reasonable and acceptable approach since the agenda discussed changing the time of the agenda.

Commissioner Flores stated he would be good at 3:00 PM.

Commissioner Velazquez stated he recommends they move the meeting to 4:00 PM because in the past there have been some members who cannot make it to the meeting at 3:00 PM.

Public Comment: No public comment.

*Commissioner Velazquez made a motion to approve the LAFCO meeting starting time to 4:00 PM, seconded by Commissioner Flores.*

*Ayes: Tiffany, Bettencourt, Gonzales, Velazquez, and Flores*  
*Noes: None*  
*Abstain: None*  
*Absent: None*

- 8. Announcement of Annual California Association of Local Agency Formation Commissions (CALAFCO) conference in Newport Beach from October 6 – 8, 2021, and request for appointment of regular voting delegate and alternate voting delegate for elections of the 2021-22 CALAFCO Board of Directors, and any other business requiring a vote at the annual business meeting to be held on October 7, 2021.**

Executive Officer Bill Nicholson gave background on the CALAFCO conference in Newport Beach from October 6-8, 2021. As of now it will be all in person and they are thinking of adding a Zoom component. The hotel room deadline is at the end of this month. If a commissioner would like to attend, LAFCO would reimburse the agency that pays for the commissioner. LAFCO can pay for the registration for CALAFCO. Usually, most commissioners don't go to CALAFCO. Mr. Nicholson plans on going and if any commissioner is interest in going, he can email them the information.

Commissioner Tiffany asked if any commissioner was interested in going.

Commissioner Bettencourt stated he did not want to go but asked if someone could attend by Zoom.

Mr. Nicholson stated that as of now it is only in person attendance, but they are considering possibly offering Online. CALAFCO asked for feedback if anyone would be interested in attending by Zoom, so they may add it if they have a large demand.

Commissioner Tiffany stated he might be interested in attending but only by Zoom.

Commissioner Velazquez stated he did not have any interest in attending in person.

Commissioner Gonzales stated she would like some information to see if it would fit in her schedule.

Commissioner Flores stated he would not be interested in going in person.

Commissioner Tiffany asked if it was able by Zoom if all commissioners could attend.

Mr. Nicholson stated they did not budget for all commissioners to register to attend, but he does not know if they will be permitting voting by zoom right now. They have not given information for commissioners to watch by zoom.

Public Comment: No Public Comment.

**9. Consider nominations to the California Association of Local Agency Formation Commissions (CALAFCO) Board of Directors for pending vacant seats for a City Member and a Public Member representing the Coastal Region of CALAFCO.**

Executive Officer Bill Nicholson provided information on nominations to the CALAFCO Board of Directors for our coastal region. If any of our commissioners wanted to run as a candidate this would be the time to nominate them.

Commissioner Tiffany asked if any of the commissioners were interested in running.

No commissioners were interested.

Public Comment: No public comment.

### **STUDY SESSION**

#### **10. Presentation on Local Agency Formation Commission Powers and Duties**

Executive Officer Bill Nicholson gave a presentation on the powers, duties, and local issues of LAFCO. Mr. Nicholson provided a history of why LAFCO was created, its purpose, and the responsibilities. He provided maps of the City of Hollister's general plan and sphere of influence as well as San Juan Bautista's General Plan proposed boundaries and existing sphere of influence.

Commissioner Tiffany suggested that the City of Hollister, San Juan Bautista, and the County of San Benito governing bodies have a joint study session regarding LAFCO.

Commissioner Velazquez, Flores, and Gonzales agreed with Commissioner Tiffany's suggestion.

Commissioner Bettencourt asked if the City of Hollister should do a presentation to LAFCO regarding their upcoming General Plan. Also, both San Juan Bautista and the County should also do presentations.

LAFCO Counsel Reed Gallogly stated that discussion items should be put on a future agenda.

### **INFORMATIONAL**

#### **11. Commissioner Announcements and Requests for Future Agenda Items Executive Officer oral status report on pending proposals**

Commissioner Velazquez shared that he recently went on a road trip with his family, and he encouraged everyone to go out and see the rest of the country. He also suggested everyone visit Death Valley.

Commissioner Flores thanked Executive Officer Bill Nicholson for his presentation.

**12. Executive Officer oral status report on pending proposals and other LAFCO business items**

Executive Officer Bill Nicholson stated there was an application from the Aromas Water District for an annexation for a property for their water system. It will probably be for the October agenda, at this point there is nothing for next month.

Commissioner Tiffany stated there would not be a meeting for September. The next meeting will be on October 14<sup>th</sup> at 4:00 PM. He adjourned the meeting in honor of CHISPA CEO Alfred Diaz Infante who passed away.

**ADJOURNMENT**

**13. Upon a motion by Commissioner Velazquez, and seconded by Commissioner Flores, adjourned meeting at 8:10 p.m.**

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

By: \_\_\_\_\_  
Bob Tiffany, Chairman

# **BUSINESS ITEMS – PUBLIC HEARING ITEMS**

7. LAFCO 541 - Martinez Annexation to the Aromas Water District: Involving the annexation of approximately 6.93 acres located on the east side of Cole Road and approximately 1,500 feet north of Ricardo Drive into the Aromas Water District. The purpose of the request is to receive district water for the existing residence at 681 Cole Road (Assessor's Parcel Number 011-260-005). The actions requested are to determine the annexation is exempt from environmental review under sections 15303(d) and 15319 of the CEQA Guidelines and to consider approval of the annexation



SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
EXECUTIVE OFFICER'S REPORT

October 14, 2021 (Agenda)  
(**AGENDA Item 7**)

LAFCO No. 541:        Martinez Annexation to Aromas Water District

PROPONENT:        Board of Directors of the Aromas Water District, by resolution,  
Property owners by petition

ACREAGE &  
LOCATION            A 6.93 acre parcel located on the east side of Cole Road and  
approximately 1,500 feet north of Ricardo Drive, in the unincorporated  
Aromas area

PURPOSE:            To make municipal water service available to the annexing parcel due to  
diminished water quantity and poor water quality from the single on-site  
well

PROJECT INFORMATION & DETERMINATIONS

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

The parcel contains one single family home and an outbuilding. The proposed annexation will make community water service available to the property to replace an existing well with water quality and quantity limitations. The County General Plan designates the area as Rural (R), and the zoning has the corresponding designation of Rural (R), which matches the density of development in the vicinity with three to five net acre and larger sized parcels.

All surrounding land uses are also rural with the Granate Rock Company owning the open space/range land to the east which acts as a buffer to their quarry. The District notes the annexing parcel is within the District's Sphere of Influence and the recently approved Bravo Annexation (LAFCO File No. 532) is located to the southwest of the Martinez parcel. There is an existing District water main in Cole Road which will serve the parcel (as identified in Attachment 1).

2.        Topography, Natural Features and Drainage Basins:

The site and surrounding areas are rolling coastal hills with oak trees. There will be no issues with the installation of a water tie line onto the property.

3.        Population:

There is only one home on the annexing parcel, therefore the annexation can be considered "uninhabited" (less than 12 registered voters) under the Government Code definition for LAFCO proceedings. Annexation is not expected to result in construction

of any additional homes or in an increase of population. The landowner has consented in writing to the annexation so there will not be a need for a protest hearing.

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

The District's "Plan for Providing Services" is addressed in response to Question 14 on the "Proposal Justification Questionnaire for Annexation" as required by the Government Code attached to this report, and is supplemented with information from the recent Cole Road Annexation (LAFCO File No. 532). The District has 965 current metered water connections although 47 are inactive. The water demand of the one new connection will not impact the District's domestic water supply as the existing three active wells have a design capacity of 2,005 gallons per minute (gpm) and the current capacity use is only 1,500 gpm. The estimated maximum daily demand for one dwellings is only 0.42.

The property at 681 Cole Road, owned by Jose and Lorena Martinez, has had severely diminished water supply as a result of recent drought conditions. Rather than drill a second new well, they are seeking a connection to the Aromas Water District public system which is consistent with recent trends in the Aromas District since even newer private wells are experiencing limited supplies. A connection to this parcel can be installed within 30 days of the annexation. Improvements will consist of a water line and a water meter.

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

The 6.93 acre parcel consists of a rural residential land use which does not produce commercial agricultural crops and does not involve prime agricultural land. The property is not under a Williamson Act contract. Therefore, there will be no impact on agricultural or open space resources from the annexation.

6. Assessed Value, Tax Rates and Indebtedness:

The Tax Rate Area for the parcel identified as APN 011-280-020 is TRA 079-018. The 2020-21 assessed value of the property is \$571,091.

Connection costs and improvements would be paid by the property owner at the time of connection. Ongoing maintenance of facilities is included in the rates charged by the District. The property will not be placed within one of the District's assessment districts.

7. Environmental Impact of the Proposal:

The Aromas Water District, as the "Lead Agency" under CEQA for this project, determined that the annexation qualified for a Categorical Exemption. Sections 15303(d)



and 15319 were referenced in the Notice of Exemption filed by the District with the County Clerk: CEQA Guidelines sections 15303(d) entitled "New Construction or Conversion of Small Structures" including water and other similar utilities, and section 15319 entitled "Annexations of Existing Facilities and Lots for Exempt Facilities." Refer to Attachment 5 for a copy of Resolution No. 2021-07 adopted by the District making the CEQA exemption determination. The Commission can rely on this determination for the annexation in its role as a "Responsible Agency" under CEQA for processing the annexation.

8. Boundaries, Lines of Assessment and Registered Voters:

The boundaries appear to be definite and certain and there do not appear to be conflicts with lines of assessment or ownership. As stated earlier, the parcel is separated from the existing District boundary, with the closest District territory consisting of the recent 18 acre Bravo Annexation located approximately 200 feet to the southwest across Cole Road. The four parcels are contiguous with the current District boundary running along with west side of Cole Road. Staff is still awaiting confirmation from the Contract County Surveyor as to the accuracy of the map and legal description of the annexation territory.

9. Environmental Justice and Affordable Housing

The annexation area is not adjacent to a disadvantaged unincorporated community as the adjacent land located in the County contains large rural residential lots. The annexation of an existing rural residential parcels will not involve any new affordable or market rate housing.

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.

- A. Find the proposal qualifies for a Categorical Exemption in compliance with CEQA, as determined by the Aromas Water District, in conformance with sections 15303(d) and 15319.
- B. Adopt this report and related determinations and approve the proposal known as the Martinez Annexation to the Aromas Water District

- C. Direct the staff not to record the annexation until the map and legal description requirements are found by the County Surveyor to be acceptable.

OPTION 2 – If the Commission is unable to make the determinations identified in this report, the Commission may DENY this proposal.

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

RECOMMENDED ACTION:

Approve OPTION 1.



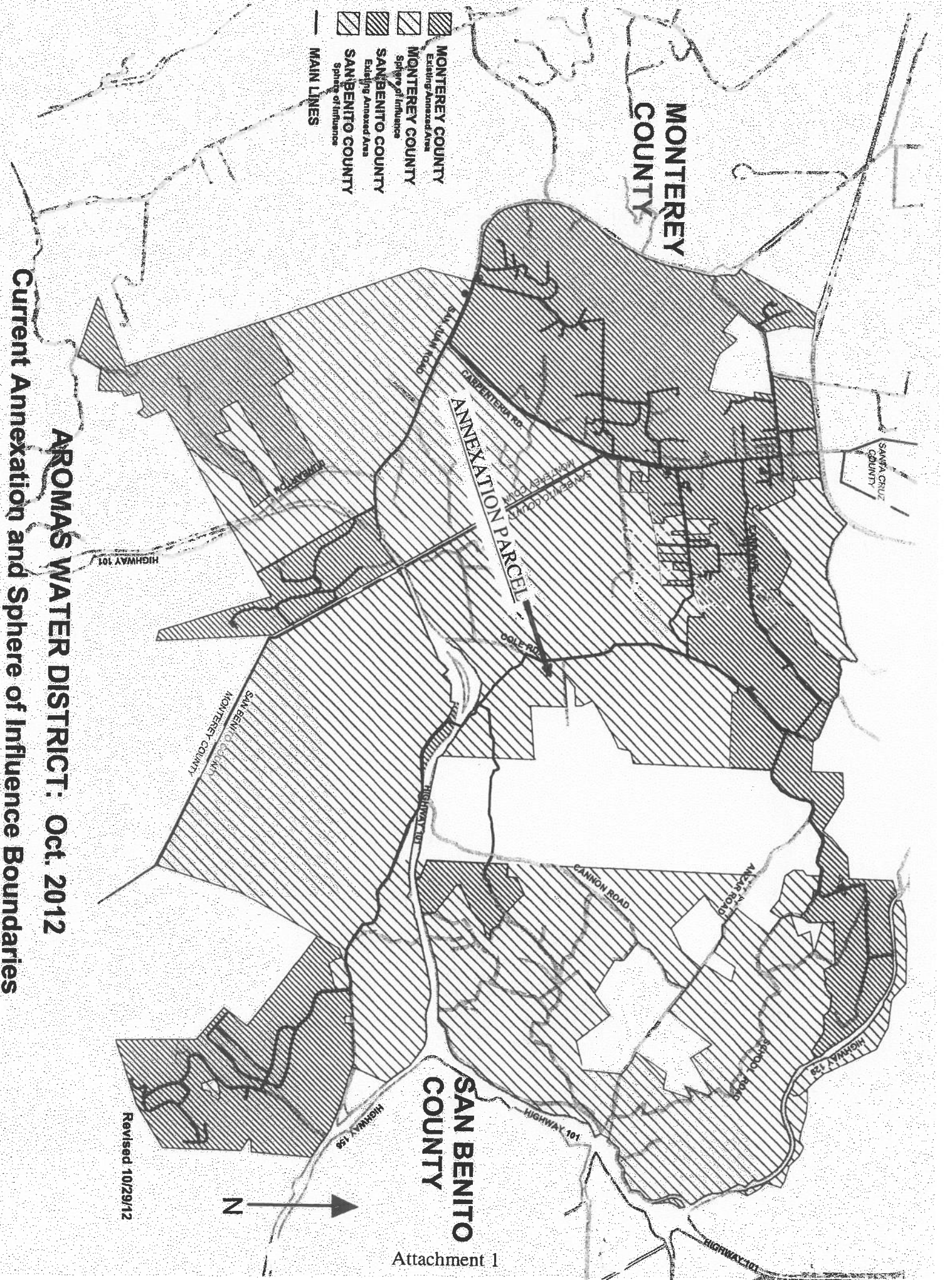
BILL NICHOLSON  
Executive Officer

LOCAL AGENCY FORMATION COMMISSION

Attachments:

1. Sphere of Influence Map
2. Area Map and Annexation Map
3. Proposal Justification Questionnaire - Annexation
4. Resolution No. 2021-01 by the Aromas Water District "Resolution of Application"
5. Resolution No. 2021-07 by the Aromas Water District "Categorical Exemption Finding"
6. Draft LAFCO Resolution No. 541 Approving the Martinez Annexation to the Aromas Water District

cc: Robert Johnson, General Manager, Aromas Water District  
Jose and Lorena Martinez, Property Owners  
Reed Gallogly, LAFCO Counsel

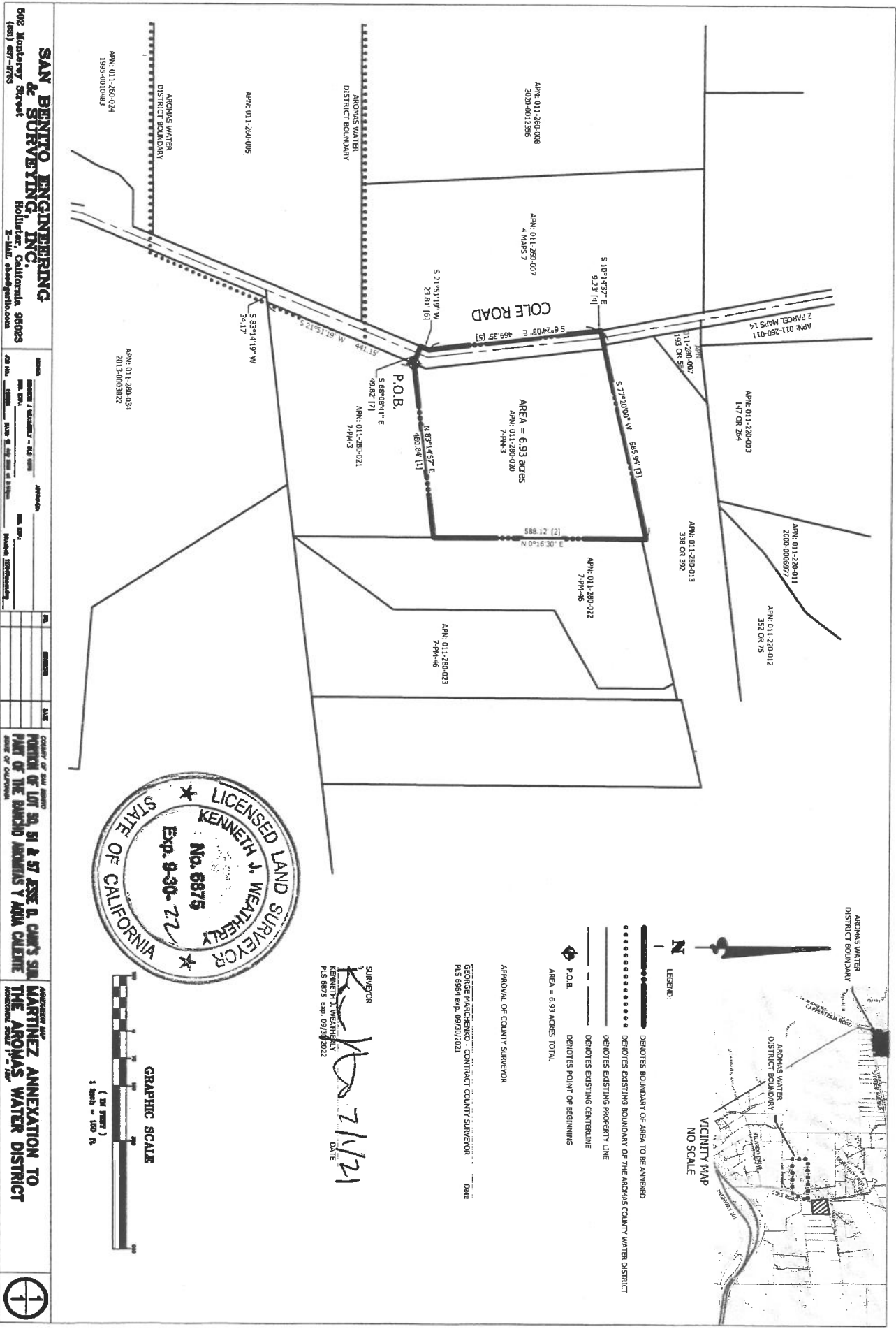


**AROMAS WATER DISTRICT: Oct. 2012**  
**Current Annexation and Sphere of Influence Boundaries**

Revised 10/29/12







**SAN BENITO ENGINEERING & SURVEYING, INC.**  
608 Kondrey Street  
Hollister, California 95033  
(408) 687-4765  
E-MAIL: sbesurveying@comcast.net

NO.	DESCRIPTION	DATE
1	REVISION 1 - CORRECTION - NO. 6875	06/06/2013
2	REVISION 2 - CORRECTION - NO. 6875	06/06/2013
3	REVISION 3 - CORRECTION - NO. 6875	06/06/2013
4	REVISION 4 - CORRECTION - NO. 6875	06/06/2013
5	REVISION 5 - CORRECTION - NO. 6875	06/06/2013
6	REVISION 6 - CORRECTION - NO. 6875	06/06/2013
7	REVISION 7 - CORRECTION - NO. 6875	06/06/2013
8	REVISION 8 - CORRECTION - NO. 6875	06/06/2013
9	REVISION 9 - CORRECTION - NO. 6875	06/06/2013
10	REVISION 10 - CORRECTION - NO. 6875	06/06/2013

COUNTY OF SAN BENITO  
PART OF THE PARCEL MAPS 14  
AND 15 OF THE AROMAS WATER DISTRICT

**MARTINEZ ANNEXATION TO THE AROMAS WATER DISTRICT**



SURVEYOR  
KENNETH J. WEATHERLY  
P.L.S. 8875 exp. 08/30/2022  
DATE 7/1/21

APPROVAL OF COUNTY SURVEYOR  
GEORGE MARCHAND - CONTRACT COUNTY SURVEYOR  
P.L.S. 8854 exp. 09/28/2021

- LEGEND:
- ..... DENOTES BOUNDARY OF AREA TO BE ANNEXED
  - DENOTES EXISTING BOUNDARY OF THE AROMAS COUNTY WATER DISTRICT
  - DENOTES EXISTING PROPERTY LINE
  - DENOTES EXISTING CENTRINE LINE
  - DENOTES POINT OF BEGINNING
  - AREA = 6.93 ACRES TOTAL



# Proposal Justification Questionnaire for Annexation



1. Name of Application:  
Mr. & Mrs. Martinez, Annexation into Aromas Water District (AWD)
2. Describe the acreage and general location:  
East side of Cole Road in San Benito County, CA.
3. Assessor Parcel Number:  
011-280-020-000
4. Purpose of Proposal:  
Single family residence on 6.34 acres requesting municipal water service from AWD due to diminished water quantity and poor water quality from single on-site residential well.
5. Land Use and Zoning- Present and Future:
  - A. Existing Land Use: one single family residence and one small outbuilding
  - B. Describe changes in land uses that would result from this annexation: There would be no changes from the current land use.
  - C. Existing zoning designations: property is zoned Rural Residential
  - D. Describe any proposed change in zoning: No zone change will be required; the current land use conforms with the current Rural Residential zoning.
6. Describe the area surrounding the proposed annexation:  
All surrounding land is rural residential in nature.
7. Conformity with Sphere of Influence:  
The proposed parcel is within the existing AWD Sphere of Influence.
8. Conformity with County General Plans:  
This parcel conforms with the County General Plan designation of the area.
9. Topography and Natural Features:  
The land is level ground transitioning to upsloping hills with trees. There are no significant natural features that would affect this proposal.
10. Impacts on Agriculture:  
Responses for 10A through 10D are Not Applicable. This proposal has no impact on Agriculture.
11. Impact on Open Space:  
This proposal has no effect on the surrounding area.

# Proposal Justification Questionnaire for Annexation



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

Not Applicable to this proposal

13. Population:

- A. There is one existing dwelling unit on the property
- B. Possible new dwelling units = Zero

14. Government Services and Controls – Plan for Providing Services:

- A. Water service will be provided to the parcel in this proposal
- B. Domestic water service for a single-family residence
- C. Service can be provided within 30 days of application approval
- D. Improvements would include a water meter and service line
- E. Services will be financed by check
- F. No alternatives are necessary

15. Ability of the annexing agency to provide services:

The annexing entity, the AWD has the capacity to provide the services requested – see attached resolution.

16. Dependability of Water Supply for Projected Needs:

An existing water main runs along Cole Road, on the side opposite the parcel, so the timely availability is recorded above in Answer 14C – 30 days

17. Bonded indebtedness and zones:

Responses for 17A through 17D are Not Applicable to this proposal. There is existing infrastructure that has been paid for.

18. Environmental Impact of the Proposal:

- A. Who is the “Lead agency” for this proposal? – Aromas Water District
- B. Environmental Documentation prepared – Categorical Exemption
- C. An EIR was NOT prepared – Not Applicable

19. Boundaries:

- A. These boundaries were used because they are the boundaries of the parcel. No other properties should have been included in this proposal.
- B. This question is Not Applicable

20. Final Comments:

- A. Conditions –
  - a. none to be added
- B. Comments/justifications regarding proposal –
  - a. Mr. Martinez’ well’s capacity has reduced significantly, thus making the provision of water a health and safety issue
- C. No additional reports besides the contents of the application packet

21. Notices and Staff Reports:

# Proposal Justification Questionnaire for Annexation




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. Robert Johnson, General Manager, Aromas Water District / PO Box 388, Aromas, CA 95004 / <a href="mailto:admin@aromaswaterdistrict.org">admin@aromaswaterdistrict.org</a>		
B. Jose Martinez, requestor / 681 Cole Road, Aromas, CA 95004 / <a href="mailto:dannymar551@yahoo.com">dannymar551@yahoo.com</a>		

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

<u>Name</u>	<u>Address</u>	<u>Email address</u>	<u>Phone</u>
C. Robert Johnson, General Manager, Aromas Water District / PO Box 388, Aromas, CA 95004 / <a href="mailto:admin@aromaswaterdistrict.org">admin@aromaswaterdistrict.org</a>			(831) 726.3155
D. Jose Martinez, requestor / 681 Cole Road, Aromas, CA 95004 / <a href="mailto:dannymar551@yahoo.com">dannymar551@yahoo.com</a>			(831) 348.7892

Signature:  Date: 7/23/21





## RESOLUTION 2021-01

### RESOLUTION OF APPLICATION OF THE AROMAS WATER DISTRICT INITIATING PROCEEDINGS FOR THE MARTINEZ (APN: 011-280-020) ANNEXATION TO THE AROMAS WATER DISTRICT

WHEREAS, the Aromas Water District (DISTRICT) desires to initiate a proceeding for the adjustment of boundaries specified herein.

NOW, THEREFORE BE IT RESOLVED, the Aromas Water District Board of Directors hereby resolves and order as follows:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with section 56000 of the California Government Code.
2. This proposal is an annexation to the DISTRICT
3. A map of the affected territory is set forth in Exhibit A, attached hereto and by reference incorporated herein.
4. It is desired that the proposal be subject to the following terms and conditions: DISTRICT water will be utilized for municipal uses only.
5. The reasons for the proposal are to: Health and Safety Issues related to the lack of available well water and the need to annex into the DISTRICT to receive DISTRICT water.
6. The proposal is consistent with the Sphere of Influence of the DISTRICT.
7. Consent is hereby given to the waiver of conducting authority proceedings.

PASSED AND ADOPTED by the Board of Directors of the Aromas Water District, Aromas, Monterey and San Benito Counties, California, at a Regular meeting duly held on this 26th day of JANUARY 2021 by the following vote:

AYES:

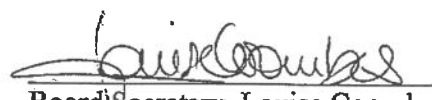
NOES:

ABSENT:

APPROVE:

  
James Leap, Board President

ATTEST:

  
Board Secretary, Louise Coombes



## RESOLUTION 2021-07

A RESOLUTION OF  
THE BOARD OF DIRECTORS OF THE AROMAS WATER DISTRICT  
FINDING THAT A PROJECT IS CATEGORICALLY EXEMPT  
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The Aromas Water District has made the following findings:

**WHEREAS**, the requested annexation for service by Mr. Jose Martinez, APN #011-280-020 (San Benito County) is a small utility extension to a single-family residence, and

**WHEREAS**, the California Environmental Quality Act provides a Categorical Exemption for annexations of single-family dwellings for provision of utilities pursuant to Section 15319 of the California Code of Regulations Guidelines for Implementation of the California Environmental Quality Act.

**NOW THEREFORE, BE IT RESOLVED**, the Aromas Water District Board of Directors hereby resolves, and order as follows:

that the annexation of San Benito Parcel No. APN #011-280-020 to the Aromas Water District is Categorically Exempt under Section 15319 of the California Code of Regulations from the requirements of the California Environmental Quality Act.

**PASSED AND ADOPTED** by the Aromas Water District Board of Directors, Aromas, Monterey and San Benito Counties, California, at a Regular meeting duly held on this 27th day of July, 2021 by the following vote:

AYES: Leap, Dubra, Morris, Holman, Smith

NOES:


ABSTAIN:

ABSENT:

APPROVE:

ATTEST:

  
James Leap, Board President

 for  
Board Secretary, Louise Coombes

LAFCO No. 541

RESOLUTION OF THE SAN BENITO LOCAL AGENCY FORMATION COMMISSION  
MAKING DETERMINATIONS AND APPROVING THE MARTINEZ  
ANNEXATION TO THE AROMAS WATER DISTRICT

WHEREAS, the Martinez Annexation to the Aromas Water District (LAFCO File No. 541) 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 of 2000 (Sections 56000 et seq. of the Government Code); and

WHEREAS, the proposal seeks Commission approval to annex one parcel totaling 6.93 acres into the Aromas Water District ("District") identified by the San Benito County Assessor as APN Number 011-280-020; and

WHEREAS, the property is within the District's Sphere of Influence, and the District has requested the Commission approve the annexation in District Resolution No. 2021-01; 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 a public hearing held on the proposal on October 14, 2021; 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 notice to neighboring landowners within 300 feet; 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 determination of exemption from CEQA by the Aromas Water District, and consistency with the San Benito County General Plan; 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 application is exempt from CEQA as the territory is already developed and there will be no impact from the new water line extension; and

WHEREAS, the Local Agency Formation Commission finds the applications 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 environmental review in compliance with CEQA Guidelines sections 15303(d) and 15319.

(2) The annexation proposal is assigned the distinctive short-form designation:  
MARTINEZ ANNEXATION TO THE AROMAS WATER DISTRICT

(4) Said territory is found to be uninhabited as there are less than 12 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, with verification from the County Surveyor.

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

(7) The annexation boundary is consistent with the sphere of influence of the Aromas Water District.

(8) Since the affected landowner has given written consent to the annexation through a signed petition and the annexing agency has given written consent to the annexation, a protest hearing is waived and the staff is directed to complete the proceeding without further notice, hearing or election.

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

(11) The proposal is APPROVED, and Staff is directed not to record the annexation until the following condition of approval has been satisfied:

(a) The map and legal description presented are found by the County Surveyor to be acceptable.

I, Bob Tiffany, 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 14th day of October, 2021, by the following vote:

AYES:

NOES:

ABSTAINS:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Bob Tiffany, Chair  
San Benito Local Agency Formation Commission

ATTEST

\_\_\_\_\_  
Bill Nicholson, Executive Officer  
San Benito Local Agency Formation Commission

# INFORMATIONAL

8. Announcement of the scheduled Training Session/Workshop hosted by San Benito LAFCO with the San Benito County Board of Supervisors, and the City of Hollister and San Juan Bautista City Councils, set for 5:00 pm, Wednesday, October 27, 2021 at the Ridgemark Golf Course Clubhouse.
9. Commissioner Announcements and Requests for Future Agenda Items.
10. Executive Officer oral status report on pending proposals and other LAFCO business items.





11. Adjourn to special training/workshop meeting held jointly with the San Benito County Board of Supervisors, and the City of Hollister and San Juan Bautista City Councils on October 27, 2021, at 5:00 pm to be held at the Ridgemark Golf Club located at 3800 Airline Highway, Hollister

13. Adjourn to next regular meeting on September 9, 2021, unless cancelled by Commission Chair.

