

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

September 8, 2022
Board of Supervisors Chambers - Hollister, CA

CALL TO ORDER

1. Chair Bob Tiffany called the meeting to order at 4:01 p.m. Those present were Executive Officer Bill Nicholson and Commissioners: Bea Gonzales, Richard Bettencourt, and Bob Tiffany. Also present were Reed Gallogly, LAFCO Counsel, and Denise Rivas, Recording Secretary. Commissioners Ignacio Velazquez and Cesar Flores were absent.
2. Commissioner Bettencourt led the Pledge of Allegiance.
3. **APPROVE AFFIDAVIT OF POSTING AGENDA**

Commissioner Gonzales made a motion to accept the Affidavit of Posting, Commissioner Bettencourt seconded. (3/0 vote)

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

PUBLIC COMMENT

4. **Public Comment Period:** Public comment was given by Elia Salinas thanking Executive Officer Bill Nicholson for his time given with LAFCO and the work done for San Benito County.

CONSENT AGENDA

5. There were no minutes or other consent items.

GENERAL BUSINESS – NON-HEARING ITEMS:

6. **2022 CALAFCO Board of Director Nominations and Appointment of Voting Delegate and Alternate for the Board Elections and Related Business at the October 20, 2022, Business Meeting**

Public comment was given by Elia Salinas. She stated that she is interested in attending the CALAFCO conference.

Executive Officer Bill Nicholson gave a brief overview and background of the CALAFCO Conference and Voting Delegate nomination process. He informed the commission no approval is needed to attend the conference as the budget allows for two commissioners to attend. Those who choose to run should attend the conference to campaign. The commission will need to approve a Voting Delegate and an Alternate Delegate. Nominations are to be received by September 19th, 2022, at 5:00pm. Commissioner Gonzales informed the Commissioners she was interested in attending and serving for the CALAFCO Board.

Commissioner Tiffany made a motion to nominate Commissioner Gonzales as the Voting Delegate. Commissioner Gonzales seconded that motion.

Commissioner Tiffany made a motion to nominate Commissioner Salinas as the Alternate Delegate. Commissioner Gonzales seconded that motion.

(3/0 Vote)

Ayes: Tiffany, Bettencourt, and Gonzales

Noes: None

Abstain: None

Absent: Velazquez, Flores

7. Status of Recruitment for the LAFCO Executive Officer Position

Public comment was given by Elia Salinas. She didn't think the Commission should retain a headhunter firm.

San Benito County's Human Resources Manager Henie Ring gave an overview regarding the minimum qualifications for the LAFCO Executive Officer Position. She explained the need for a possible outside search firm and presented rates to the commission. She presented MRG's proposal with a projected estimated fee of \$19,975.00.

There was discussion among the commissioners regarding the cost rates of the different outside executive search firm.

Executive Officer Bill Nicholson stated Monterey County LAFCO has volunteered to assist San Benito County LAFCO while recruitment is in progress.

LAFCO Counsel Reed Gallogly stated there are no legal concerns regarding Monterey County LAFCO assisting while recruitment is in progress.

Commissioners Tiffany, Gonzales, and Bettencourt were not in favor of currently electing a headhunter but were in favor of Monterey County assisting while recruitment is in progress by San Benito County's Human Resources Department Manager, Henie Ring.

INFORMATIONAL:

- 8. Update on sewer extension status for projects in the Fairview Road/Airline Highway Area including Sunnyslope County Water District presentation to Hollister City Council on September 6, 2022 (Oral Report by Executive Officer and Commission).**

Executive Officer Bill Nicholson explained that the Hollister City Council presentation regarding the Fairview Road/Airline Highway area was delayed and has been rescheduled for the October 3rd, 2022, City Council Meeting, therefore there was no update to report.

Public Comment was given by Robert Huenemann. He stated he has a copy of the MOU for the Hollister Urban Area – he continued to state there are some undefined areas of expansion. Before anything can be done with the Hollister Urban Area the areas need to be defined.

- 9. Commissioner Announcements and Requests for Future Agenda Items**

Commissioner Tiffany presented a Certificate of Appreciation to Executive Officer Bill Nicholson as it was his last LAFCO meeting.

There was discussion among the commission regarding the start time of the LAFCO meetings and possible adjustment.

Commissioner Gonzales requested a copy of the Commissioner's Handbook. Executive Officer Bill Nicholson will be providing each Commissioner a printed copy.

Commissioner Gonzales would like for a meeting hyperlink on the agenda.

There was discussion among the Commissioners regarding LAFCO and public engagement. There was also a brief discussion on alternatives for having the Hollister wastewater treatment plant be managed by a regional governmental agency such as a joint powers authority (JPA) or a special district. Questions involved who would initiate the effort and the exemption of a JPA from LAFCO authority under state law.

During public comment, Elia Salinas mentioned there was talk of expanding the Hollister Urban Area in the original Memorandum of Understanding.

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

Executive Officer Bill Nicholson stated he will be attending a protest hearing in Aromas on Thursday, September 15, 2022, at 3:00pm regarding the recent Cole Road II & Rocks Road Annexation. If there was a 25% to 50% protest, then the annexation would require an election, but if there is less than 25% protest, it would not need an election or need to come back to LAFCO. As of now there are no protests. Once the hearing is complete Mr. Nicholson will process the application accordingly.

No other applications are pending before LAFCO.

Mr. Nicholson identified an item that may come up in the future is the Sunnyslope County Water District dealing with subdivisions in the Best Road area that may lead to an annexation due to poor water quality in existing wells.

Mr. Nicholson stated that a potential out of boundary water extension from the City of Hollister may be another potential application that will come to LAFCO. Currently the State Water Resource Control Board has been working on the Valenzuela water system on property next to the San Benito River. The farm labor housing complex has a small public water system. The water is bad, so they are drinking bottled water. They are trying to receive grant money from the State to connect to the City of Hollister water system. There is no benefit for the city to annex the property, so a water extension is a reasonable alternative.

Mr. Nicholson stated the City of San Juan Bautista sewer connection to Hollister is exempt from LAFCO review, but this determination has not been formally requested in the past. Based on direction from the Commission, the LAFCO Executive Officer cannot take it upon himself to write a letter of exemption from LAFCO review. The same situation applies to the planned potable water connection from the San Benito County Water District Westhills treatment plant. The City of Hollister and San Benito County Water District have concluded these connections to San Juan Bautista are exempt, but due to controversy over other exemptions, it would be appropriate to state LAFCO's exemption in writing. Commissioner Gonzales asked Executive Officer Bill Nicholson if he would be able to memorialize it by writing a Letter of Exemption for the record and the other Commissioners concurred. Executive Bill Nicholson agreed to write a Letter of Exemption.

No public comment was provided.

ADJOURNMENT

- 11. Upon a motion by Commissioner Tiffany, and seconded by Commissioner Gonzales, and carried 3 – 0, the meeting was adjourned at 6:29 p.m.**

Final Minutes Approved by the Commission
on _____

By: _____

Bob Tiffany, Chairman