

SAN BENITO LOCAL AGENCY FORMATION COMMISSION

MINUTES

January 25, 2007

PRESENT: Alvarez, DeLaCruz, Edge, Monaco, Valdivia

ABSENT: None

STAFF: Interim Executive Officer (IEO) Art Henriques; Counsel Shirley Murphy;
Minutes Clerk Judi Johnson

Chair De La Cruz opened the meeting at 5:17 p.m. by leading the Pledge of Allegiance to the flag, then reiterating the standing rules of order. Newly appointed Commissioner Rick Edge was welcomed.

PUBLIC COMMENT

Chair DeLaCruz opened then closed the public hearing as there were none present to address matters not on the agenda.

ELECTION OF CHAIR AND VICE-CHAIR FOR 2007

Chair DeLaCruz noted that Commissioner Hill had been slated to become the Chair as she had been the Vice Chair for the year. However, he said, she has relinquished her seat.

COMMISSIONERS MONACO/VALDIVIA NOMINATED COMMISSIONER ALVAREZ TO BE CHAIR FOR THE ENSUING YEAR. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

Chair Alvarez assumed the gavel and opened nominations for Vice Chair.

COMMISSIONERS DELACRUZ/ MONACO NOMINATED COMMISSIONER EDGE TO BE VICE CHAIR. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

INTERIM EXECUTIVE OFFICER (IEO) REPORT

IEO Henriques noticed the attendance of Clerk Johnson, and advised the Commissioners she had produced the staff reports for the meeting. LAFCO Counsel Murphy was recognized for her work with the Commission transactions.

CONSENT AGENDA

1. Acknowledge Notice of Meeting Cancellation for 12-28-06 & Certificate of Posting
2. Acknowledge Certificate of Posting for 1-25-07
3. Approval of Minutes of November 1, 2006

COMMISSIONERS MONACO/VALDIVIA MOTIONED TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION PASSED (5-0-0-0) WITH THE FOLLOWING VOTE: AYES: ALVAREZ, DE LA CRUZ, EDGE, MONACO, VALDIVIA; NOES: NONE; ABSTAIN: EDGE, on the minutes (item 3) only); ABSENT: NONE.

REGULAR AGENDA - COMMISSION ACTION

4. **Adoption of 2007 meeting calendar; Resolution No. 2007-01**

Following discussion of the matter, and announcing the calendar to be in order for 2007, COMMISSIONERS MONACO/VALDIVIA MOTIONED TO APPROVE THE CALENDAR AS PRESENTED. THE MOTION (INCLUSIVE OF RESOLUTION NO. 2007-01) PASSED (5-0-0-0) WITH THE FOLLOWING VOTE: AYES: ALVAREZ, DELACRUZ, EDGE, MONACO, VALDIVIA; NOES: NONE; ABSTAIN: NONE; ABSENT: NONE.

- #5. **Cortese-Knox-Hertzberg Act of 2000, page 7 - changes effective January 2007**

<http://www.calafco.org/docs/CKH/2006 CKH Guide.pdf>

IEO Henriques indicated the inclusion of this information with reference to the entire document as an on-line resource, was to bring the updates to the Commissioners. The Commission indicated they desired full copies of the entire document.

PUBLIC HEARING ITEMS – COMMISSION ACTION

Regarding the files to be acted on this date, IEO Henriques said the prepared Resolutions had been updated by LAFCo Counsel Murphy. LAFCO Counsel Murphy said the Resolutions had been ‘tweaked’ and noted that the majority of the actions requested were conditions of approval for the actions granted by the Planning Commission in hearings for the various subdivisions. “The items before you this evening have had the environmental assessments completed and so are not included with these requests. The City has exemption from environmental assessments under LAFCo rules. Therefore, if the Commissioners agree, the action needed is to approve the annexations for the CSAs and the out-of-jurisdiction requests by the City,” LAFCO Counsel Murphy advised. She clarified the Resolutions had been ‘cleaned up’ as the agenda was finalized and distributed before Legal Counsel had completed review of the packet. LAFCO Counsel Murphy further clarified that there was some need to address typos plus the issue of

waiving the protest hearing (as explained through Item 5) necessitated some clean up with some procedural matters to be researched.

Commissioner Edge clarified that there were no changes being presented at this meeting which would result in either substantive changes or differences in the Executive Officer's reports. LAFCO Counsel Murphy said probably the only thing that would be of substance was that the maps had not been an attachment to the original report. She reiterated she had been vigorous in researching why there was not a protest hearing scheduled for the items, and that had been clarified with the date provided in item 5. Commissioner Valdivia said, "So the maps are correct as now attached?" [yes]

Chair Alvarez asked clarification of the reference to a property owner 'living in the territory' (page 4). IEO Henriques responded that the term 'parcel so affected' means the applicant is living on the parcel indicated. Chair Alvarez continued, questioning the necessity of have annexation to the CSAs – particularly CSA 43. IEO Henriques explained this was a Condition of Approval / agreement with the County for Sheriff/County Fire protection, and it is a financial agreement the developer makes with the County for such protection. Chair Alvarez suggested that in the upcoming Municipal Service Reviews, the Spheres of Influence might be considered in proximity to the CSA – and whether the agreement should be with a City instead of the County. Other services were discussed, with IEO Henriques explaining that in the case of water districts, there must be notice that there is the capability to provide service. He also said that LAFCO could review each matter.

A five minute recess was declared to expedite the distribution of the staff reports with the maps attached, with order resumed at 5:46 p.m.

***Note:** Chair Alvarez opened the public comment on each of the following items. Unless noted, there were no persons present to address the items as presented. IEO presented the staff reports for the following:*

LAFCO File No. 2006-434. REQUEST: Annexation to CSA 43 for extended fire and police. APPLICANT: Hollister Development LLC. LOCATION: 3309 San Juan-Hollister Road, Hollister. APN: 21-13-27.

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONERS DELACRUZ / VALDIVIA MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE 'HOLD HARMLESS' REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

LAFCO File No. 2006-435. REQUEST: Annexation to CSA 43 for extended fire and police. APPLICANT: Luis & John Silveira. LOCATION: 3000 Cienega Road, Hollister. APN 21-10-15

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONERS MONACO/VALDIVIA MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE 'HOLD HARMLESS' REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE

**UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT;
NONE WERE ABSENT.**

LAFCO FILE NO. 2006-436: REQUEST: Annexation to CSA 24 and CSA 43 for maintenance and extended fire and police. LOCATION: 1360 Santa Ana Road, Hollister, CA APN 19-22-16. APPLICANT: Fernando Gonzalez [CSA #24] [CSA #43]

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

NOTING THIS WAS INCLUSIVE OF ANNEXATION TO TWO CSAS, COMMISSIONERS VALDIVIA/ MONACO MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE ‘HOLD HARMLESS’ REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

LAFCO File No. 2006-438. REQUEST: Outside Jurisdiction Water Service to unincorporated area. APPLICANT: City of Hollister. LOCATION: 1801 W. Graf Rd, Hollister. APN: 19-23-21

Commissioner Edge pointed to an apparent location typo, which will be corrected with the City of Hollister.

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONERS VALDIVIA/ MONACO MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE ‘HOLD HARMLESS’ REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

LAFCO File No. 2006-439. REQUEST: Outside Jurisdiction Water Service to unincorporated area. APPLICANT: City of Hollister. LOCATION: 3650 San Juan Hwy, Hollister. APN: 18-10-33, 18-11-15; 18-11-17; 18-11-24; 18-11-25; 18-11-33.

Responding to a question, IEO Henriques reported the well service was inadequate both in quality and quantity, and the City of Hollister intends to provide water through a main on Mitchell Road.

Ray Pierce asked about water contamination. IEO Henriques explained that all concerned felt it better to have the existing well abandoned and the connection made to City services rather than continue with the stand alone well sites.

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONERS MONACO/ VALDIVIA MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE ‘HOLD HARMLESS’ REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

LAFCO File No. 2006-440. REQUEST: Annexation to CSA 43 for extended fire and police. APPLICANT: Clark Stoltenberg. LOCATION: 1355 Edgewood Dr., Hollister. APN: 19-22-25

THE CHAIR OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONERS EDGE/ DELACRUZ MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE ‘HOLD HARMLESS’ REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

LAFCO File No. 2006-441. REQUEST: Annexation to CSA 43 for extended fire and police. APPLICANT: Jeff Hunter. LOCATION: 920 Lone Tree Rd, Hollister. APN: 17-15-19

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONERS MONACO/ VALDIVIA MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE ‘HOLD HARMLESS’ REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

LAFCO File No. 2006-442. REQUEST: Annexation to CSA 43 for extended fire and police. APPLICANT: Robert Enz. LOCATION: Union Rd & Summerset Dr, Hollister. APN: 21-10-32

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONERS VALDIVIA/EDGE MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE ‘HOLD HARMLESS’ REQUIREMENT. THE MOTION PASSED (4-0-1-0) WITH THE FOLLOWING VOTE: AYES: ALVAREZ, DE LA CRUZ, EDGE, MONACO, VALDIVIA; NOES: NONE; ABSTAIN: DELACRUZ; ABSENT: NONE.

LAFCO File No. 2006-443. REQUEST: Annexation to CSA 43 for extended fire and police. APPLICANT: Manuel Yuste. LOCATION: 1471 McCloskey Rd, Hollister, APN: 19-22-14

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONER VALDIVIA/ DELACRUZ MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE ‘HOLD HARMLESS’ REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

IEO Henriques invited Clerk Johnson, who writes the staff reports, to present the staff reports on the final two requests:

LAFCO File No. 2006-444. REQUEST: Annexation to CSA 43 for extended fire and police. APPLICANT: Colbalt Holdings. LOCATION: 800 & 810 Salinas Rd., San Juan Bautista APN: 12-16-11

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONERS DELACRUZ /MONACO MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE ‘HOLD HARMLESS’ REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

LAFCO File No. 2006-445. REQUEST: Annexation to CSA 43 for extended fire and police. APPLICANT: Beverly Dixon. LOCATION: 6955 Lovers Lane APN: 15-07-02

CHAIR ALVAREZ OPENED AND THEN CLOSED THE PUBLIC HEARING AS NO MEMBERS OF THE PUBLIC WISHED TO SPEAK.

COMMISSIONERS VALDIVIA/ MONACO MOTIONED APPROVAL AS PRESENTED, INCLUSIVE OF THE RESOLUTION AND THE ‘HOLD HARMLESS’ REQUIREMENT. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

REGULAR AGENDA – COMMISSION DISCUSSION/ACTION

LAFCO Retreat (Commissioner DeLaCruz)

Commissioner DeLaCruz said he felt strongly this would be a beneficial information sharing meeting, and urged Chair Alvarez to work with IEO Henriques to have the presentation on the procedures and policies and responsibilities. He spoke on how the laws are constantly changing and said it would be beneficial to have a representative of CALAFCo make a presentation; it would be very beneficial for furthering information. Commissioners said an informal retreat would be very beneficial. Chair Alvarez assured he will meet to ‘firm up’ the retreat and perhaps have speakers for presentations.

Discussion Item: Municipal Service Review/Sphere of Influence Study

This matter had been previously noticed to the Commissioners, with IEO Henriques saying it was becoming more urgent daily as the MSR work must be completed by December 31, 2007.

Several issues regarding the matter were discussed:

- costs
- concern of the time period (can take up to 6 – 9 months)
- various methods of work investigated by local staff
- related Spheres of Influence studies needing completion
- other service providers (water districts, for example)

- not done within the last 5 years

BY CONCURRENCE OF THE COMMISSIONERS, STAFF WAS DIRECTED TO SEND OUT REQUESTS TO INTERESTED CONSULTANTS FOR THE MSR AND THE POSSIBLE SPHERE STUDY. THE TOP THREE RESPONSES TO THE RFQS WILL BE SCRUTINIZED FOR COSTS WITH A CONTRACT PROPOSAL TO FOLLOW TO LAFCO.

Discussion ensued regarding the need for budget numbers so each entity can be properly billed for this required service.

Commissioner Monaco said information on the RFQs should be presented at the next meeting.

Commissioner Edge asked about the budget percentage split for the County and the Cities. Staff will contact Commissioner Edge with that information.

Items 19 and 20 were addressed concurrently.

#19. Request for Qualifications and recruitment direction for temporary staff.

IEO Henriques alerted the Commissioners that temporary staff personnel are being considered as the process goes on to naming an Executive Officer. **BY CONCURRENCE, THE COMMISSIONERS AGREED WITH THE DIRECTION OUTLINED FOR EMPLOYING TEMPORARY STAFF.**

#20. Continued Commission discussion/recommendation of Executive Officer and staff services for Fiscal year 2006-2007

IEO Henriques gave an overview of the way independent Counties LAFCOs function. He noted the Commission has indicated the desire to 'go independent'. He distributed copies of data from prior meetings containing a brief description of the EO function (description of work) and a request for services for professional contractors, should they be needed. IEO Henriques said that in talking with Human Resources personnel, it appeared that an executive recruitment would be in order.

Discussion centered on:

- A brief summary of the typical County recruitment process
- Human Resources personnel coordinated the recent COG EO so a pattern exists
- Question if County Counsel continue as LAFCo Counsel or contract with independent
- Concern that this item has been reappearing for quite some time, need for immediate recruitment - expanding to neighboring areas
- IEO Henriques to work with HR for action
- Job description is in place
- Chair to appoint Ad Hoc committee (Alvarez and Valdivia) to work with IEO Henriques and HR to accelerate process
- Budget currently includes funds for part-time EO; could increase in next budget (need to plan now)
- Preference for performance based contract

COMMISSIONERS MONACO/ DELACRUZ MOTIONED TO AUTHORIZE CHAIR ALVAREZ AND COMMISSIONER VALDIVIA TO BE THE AD HOC COMMITTEE FOR WORKING ON THE RECRUITMENT PROCESS OF AN EXECUTIVE OFFICER AND OTHER STAFF FOR SAN BENITO COUNTY LAFCO. THE MOTION PASSED (5-0-0-0) WITH THE UNANIMOUS AFFIRMATIVE VOTE OF ALL COMMISSIONERS PRESENT; NONE WERE ABSENT.

NOTING THERE WAS NO FURTHER BUSINESS TO COME BEFORE THE COMMISSIONERS AT THIS MEETING CHAIR ALVAREZ ADJOURNED THE MEETING AT 6:31 P.M. AND ANNOUNCED THE NEXT REGULAR MEETING TO BE FEBRUARY 22, 2007 AT 5:15 P.M.

Minutes transcribed by:

Judi Johnson

Attest:

Art Henriques

Interim Executive Officer