

SAN BENITO COUNTY
LOCAL AGENCY FORMATION COMMISSION

July 26, 2007

Minutes

PRESENT: Alvarez, Hill (San Juan Bautista alternate), Monaco, Valdivia,
ABSENT: De La Cruz, Edge
STAFF: Interim Executive Officer (IEO) Art Henriques; Deputy County Counsel
(DCC) Shirley Murphy; Clerk Trish Vieira-Maderis.

Chair Alvarez opened the meeting at 5:16 p.m. by asking all present to join him in the pledge of allegiance to the flag. He then reiterated the standing rules of order. Attendance was noted by the Clerk as listed above.

ADJOURN TO CLOSED SESSION

Closed Session:

- a). Conference with Human Resources: Recommendation of Executive Officer Appointment

At the reconvening of the Commission at 5:39 p.m., DCC Murphy announced that no reportable action was resultant from the closed session.

OPPORTUNITY FOR PUBLIC COMMENT

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

CONSENT AGENDA

1. Acknowledge Certificate of Posting
2. Acknowledge Public Hearing Notice
3. Approval of Minutes of May 24, 2007 Regular Meeting*
4. Approval of Minutes of June 12, 2007 Special Meeting*

{Note: Commissioner Hill requested the record show that she abstained on items 3 and 4 as she had not been present at the meetings.}

COMMISSIONERS MONACO/VALDIVIA MOTIONED TO APPROVE THE CONSENT AGENDA, AS PRESENTED. THE MOTION PASSED (4-0-1-1) WITH THE FOLLOWING VOTE: AYES: ALVAREZ, HILL, who did not vote on items 3 & 4; MONACO, VALDIVIA; NOES: NONE; ABSTAIN: NONE; ABSENT: DELACRUZ; EDGE.

CONTINUED ITEMS

5. **Executive Officer Recruitment/Interview Status**

Commissioner Valdivia read a prepared statement indicating the recruitment process was 'in progress'.

[Note: for items 6 – 7 – 8, IEO Henriques presented the staff reports, noting the location of each of the properties, and indicating that the requests were requirements of the Conditions attached to subdivision approval(s). Chair Alvarez presented the opportunity for public comment items as each was brought to the floor.]

6. **LAFCo FILE NO. 2007-453**: APPLICANT: Dan Lima; LOCATION: 537 Mission Vineyard Road, San Juan Bautista; REQUEST: Join CSA 43 for Extended Fire and Police Protection; ENVIRONMENTAL ASSESSMENT: Mitigated Negative Declaration (prepared for MS 1190-06)

COMMISSIONERS MONACO/VALDIVIA MOTIONED TO APPROVE LAFCo FILE NO. 2007-453, AS PRESENTED. THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES: ALVAREZ, HILL, MONACO, VALDIVIA; NOES: NONE; ABSTAIN: NONE; ABSENT: DeLaCRUZ.

7. **LAFCo FILE NO. 2007-454**: APPLICANT: Fernando Gonzalez; LOCATION: 1360 Santa Ana Road, Hollister; REQUEST: Join CSA 43 for Extended Fire and Police Protection; ENVIRONMENTAL ASSESSMENT: Mitigated Negative Declaration (prepared for TSM 99-66)

COMMISSIONERS VALDIVIA/HILL MOTIONED TO APPROVE LAFCo FILE NO. 2007-454, AS PRESENTED. THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES: ALVAREZ, HILL, MONACO, VALDIVIA; NOES: NONE; ABSTAIN: NONE; ABSENT: DeLaCRUZ.

8. **LAFCo FILE NO. 2007-455**: APPLICANT: Ruben Rodriguez; LOCATION: Magladry Road (Rodriguez Court), Hollister; REQUEST: Join CSA 43 for Extended Fire and Police Protection; ENVIRONMENTAL ASSESSMENT: Mitigated Negative Declaration (prepared for TSM 04-71)

COMMISSIONERS HILL/VALDIVIA MOTIONED TO APPROVE LAFCo FILE NO. 2007-455, AS PRESENTED. THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES: ALVAREZ, HILL, MONACO, VALDIVIA; NOES: NONE; ABSTAIN: NONE; ABSENT: DeLaCRUZ.

DISCUSSION ITEMS

9. **LAFCo FILE NO.: 2007-456**: APPLICANT: City of San Juan Bautista, CA
Request direction for minor amendment to Sphere of Influence (memo distributed as staff report)

IEO Henriques explained that this request was due to ‘correction of a prior oversight’ of several years ago when it appeared little thought was given to the need for having continuity of property lines rather than ‘broad brushing’ the area to the south of the Town in establishing the Sphere of Influence.

IEO Henriques also noted that the City of San Juan had asked for abeyance of the established fee for such action.

He reminded that MRS studies should be completed before any requests for changes to the Spheres could be heard. However, since it appears that this issue had arisen from an oversight by a prior Commission, Government Code Section 56427 could be applicable, thereby giving the Commission the ability to change the Sphere in a one-time effort following a public hearing.

Discussion ensued, with the **COMMISSIONERS AGREEING BY A CONSENSUS OF ALL COMMISSIONERS PRESENT – WITH VOTING CONDUCTED IN A ‘STRAW POLL’ - TO CONSIDER THE MATTER, INCLUSIVE OF THE ABEYANCE OF THE LAFCO ESTABLISHED FEE PAYMENT, AT THE NEXT MEETING OF THE SAN BENITO COUNTY LAFCO.**

10. **CALAFCO Annual Conference in Sacramento** (August 29-31) [determination of attendees]

It was noted that Commissioner Edge had expressed interest in attendance, with DCC Murphy and Analyst Judi Johnson planning to attend. Brief discussion ensued, with Commissioner Monaco saying it would be important to have an alternate for Commissioner Edge should he not be able to attend. Both Alternate Hill and Alternate Ray Pierce (who was in attendance) indicated interest. Clerk Vieira Maderis was directed to follow up and make the arrangements.

11. **Fiscal Year 2006-2007** – Year End Revenue & Expense Report

Clerk Vieira Maderis presented the report, calling attention to the \$73,221.00 ‘roll over’, consisting of: the unspent balance of \$40,993.89, and the revenue of \$32,227.11.

The Commissioners graciously thanked Clerk Vieira Maderis for her diligence and hard work in preparing the report.

ADJOURNMENT to August 23, 2007

Adjournment:

CHAIR ALVAREZ ADJOURNED THE MEETING, ON A MOTION FOR ADJOURNMENT BY COMMISSIONERS VALDIVIA/HILL AT 6:00 PM; THE MOTION PASSED (4-0-0-1) WITH THE FOLLOWING VOTE: AYES: ALVAREZ, HILL, MONACO, VALDIVIA; NOES: NONE; ABSTAIN: NONE; ABSENT: DeLaCRUZ.

Minutes recorded and transcribed by:

Judi Johnson

Attest:

IEO Art Henriques