



**AGENDA
REGULAR MEETING
SAN BENITO COUNTY AIRPORT LAND USE COMMISSION**

DATE: Thursday, October 21, 2021
4:00 P.M.

LOCATION: Via- Zoom

Attendance at the ALUC meeting is closed to the public per Executive Order N-29-30 and Assembly Bill 361 (AB 361). The public may join meeting by Zoom: <https://zoom.us/join> per the instructions provided at the end of the agenda:

Meeting ID: 842-0128-1886

COMMISSIONERS: Chair Ignacio Velazquez, Vice Chair Mary Vazquez Edge
Rolan Resendiz, Bob Tiffany, and Peter Hernandez
Alternates: San Benito County: Kollin Kosmicki;
City of San Juan Bautista: Scott Freels; City of Hollister: Rick Perez

*Persons who wish to address the Board of Directors must complete a Speaker Card and give it to the Clerk prior to addressing the Board. Those who wish to address the Board on an agenda item will be heard when the Chairperson calls for comments from the audience. Following recognition, persons desiring to speak are requested to advance to the podium and state their name and address. After hearing audience comments, the Public Comment portion of the agenda item will be closed. **The opportunity to address the Board of Director's on items of interest not appearing on the agenda will be provided during Section C. Public Comment.***

4:00 P.M. CALL TO ORDER:

A. ACKNOWLEDGE Certificate of Posting

B. NOTICE OF TEMPORARY PROCEDURES FOR AIRPORT LAND USE COMMISSION MEETINGS
(Please see Zoom instructions at the end of the agenda)

Pursuant to California Governor Gavin Newsom's Executive Order N-29-20 issued on March 17, 2020, and Assembly Bill 361 (AB 361), relating to the convening of public meetings in response to the COVID-19 pandemic, attendance at the ALUC meeting is closed to the public. Additionally, members of the Airport Land Use Commission can attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

C. PUBLIC COMMENT: (Opportunity to address the Board on items of interest not appearing on the agenda. No action may be taken unless provided by Govt. Code Sec. 54954.2. **Speakers are limited to 3 minutes.**)

CONSENT AGENDA:

(These matters shall be considered as a whole and without discussion unless a particular item is removed from the Consent Agenda. Members of the public who wish to speak on a Consent Agenda item must submit a Speaker Card to the Clerk and wait for recognition from the Chairperson. Approval of a consent item means approval as recommended on the Staff Report.)

1. **APPROVE** Airport Land Use Commission Draft Meeting Minutes Dated August 19, 2021 – Gomez

2. **ADOPT** Resolution 21-01 Authorizing Teleconferencing Options for the Airport Land Use Commission Meetings for the Period of October 21, 2021 through November 18, 2021 – Rivera

Adjourn to ALUC Meeting on Thursday, November 18, 2021. Agenda Deadline is Tuesday, November 2, 2021 at 12:00 P.M

In compliance with the Americans with Disabilities Act (ADA), if requested, the Agenda can be made available in appropriate alternative formats to persons with a disability. If an individual wishes to request an alternative agenda format, please contact

the Clerk of the Council four (4) days prior to the meeting at (831) 637-7665. The Council of Governments Board of Directors meeting facility is accessible to persons with disabilities. If you need special assistance to participate in this meeting, please contact the Clerk of the Council's office at (831) 637-7665 at least 48 ours before the meeting to enable the Council of Governments to make reasonable arrangements to ensure accessibility.

ZOOM INSTRUCTIONS:

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

1. Remote Viewing

Members of the public who wish to watch the meeting can view the meeting online through Zoom. Instructions for participating via Zoom are included below.

2. Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM. on the Wednesday prior to the Board meeting to the Clerk of the Board at monica@sanbenitocog.org. Regardless of whether the matter is on the agenda. Every effort will be made to provide Board Members with your comments before the agenda item is heard.

3. Airport Land Use Commission meeting - Zoom Instructions for remote Participants:

Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting. Three ways to attend zoom meetings:

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/id546505307>
- Android App store: <https://play.google.com/store/apps/details?id=u.s.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 842-0128-1886**, followed by the **"#" key**, which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2021/10/ALUC_Packet_102121.pdf
2. It will then ask for a **Participant ID**, press the **"#" key** to continue.
3. Once you enter the zoom meeting, you will automatically be placed on mute.
4. **Public Comment:** If you are using a phone, please press the **"*9"** to raise your hand, zoom facilitator will unmute you when your turn arrives.

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, 842-0128-1886** and name to join the meeting, which can be found at the top page of the agenda. The meeting agenda can be found at: http://www.sanbenitocog.org/wp-content/uploads/2021/10/ALUC_Packet_102121.pdf
3. You can launch audio through your computer or set it up through the phone. Follow instructions provided by Zoom.
4. **Public Comment:** Click **"Raise hand"** icon, the zoom facilitator will unmute you when your turn arrives.

Public Comment Guidelines

- If participating on zoom Once you are selected, you will hear that you have been unmuted: State your first name, last name, and county you reside in for the record.
- The Local Transportation Authority welcomes your comments.
- Each individual speaker will be limited to a presentation total of three (3) minutes.
- 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.

CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Airport Land Use Commission on **October 21, 2021** at **4:00 P.M.** was posted at the following locations freely accessible to the public:

The front entrance of the Old San Benito County Courthouse, Monterey Street, Hollister, CA 95023, and the Council of Governments Office, 330 Tres Pinos Rd., Ste. C7, Hollister, CA 95023 at the following date and time:

On the **18th day of October 2021**, on or before **1:00 P.M.**

The meeting agenda was also posted on the Council of San Benito County Governments website, www.sanbenitocog.org, under Meetings, ALUC, Meeting Schedule

I, Monica Gomez, swear under penalty of perjury that the foregoing is true and correct.

BY: 

Monica Gomez, Secretary II
Council of San Benito County Governments

**San Benito County
AIRPORT LAND USE COMMISSION
REGULAR MEETING
(Zoom Platform)**

August 19, 2021 4:00 P.M.

MINUTES

MEMBERS PRESENT:

Chair Ignacio Velazquez, Rolan Resendiz, Peter Hernandez, Alternate Kollin Kosmicki, and Alternate Scott Freels

MEMBERS ABSENT:

Vice Chair Mary Vazquez Edge, Bob Tiffany

STAFF PRESENT:

Administrative Services Specialist, Norma Rivera; Transportation Planner Regina Valentine; Transportation Planner, Veronica Lezama; Office Assistant, Griselda Arevalo; Deputy County Counsel, Shirley Murphy

CALL TO ORDER:

Chair Velazquez called the meeting to order at 4:21 p.m.

A. CERTIFICATE OF POSTING

Motion made to acknowledge Certificate of Posting:

Motion: Rolan Resendiz Second: Kollin Kosmicki

Administrative Services Specialist Rivera called the roll call vote.

Director Resendiz voted yes, Director Kosmicki voted yes, Director Hernandez voted yes, Director Freels voted yes; Chair Velazquez voted yes.

Motion carried: 5/0

Yes: Velazquez, Resendiz, Hernandez, Alt. Kosmicki, Alt. Freels

No: None

Recused: None

Abstention: None

Absent: Vazquez Edge, Tiffany

B. NOTICE OF TEMPORARY PROCEDURES FOR AIRPORT LAND USE COMMISSION MEETINGS

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. Additionally, members of the ALUC can attend the meeting via teleconference and to participate in the meeting to the same extent as if they were present.

Chair Velazquez reminded members of the public that an overview of temporary procedures (Zoom

etiquette) for ALUC meetings was attached to the agenda.

C. PUBLIC COMMENT: NONE

CONSENT AGENDA:

1. **Approve** Airport Land Use Commission Draft Meeting Minutes Dated May 20, 2021 – Gomez
2. **Find** Project No. PLN210027_SPR, Associated with Assessor Parcel No. APN 016-130-0250, Located at 4951 Pacheco Pass Highway Frontage Road in the County of San Benito, **Consistent** with the 2012 Hollister Municipal Airport Land Use Compatibility Plan with One Condition – Lezama
3. **Find** Project No. PLN210013, Associated with Parcel No. APN 015-030-013, Located at 7830 Lovers Lane in the County of San Benito, Consistent with the 2019 Airport Land Use Compatibility Plan for Frazier Lake Airpark – Lezama

There was no public comment on the Consent Agenda.

Director Freels recused himself from Item 1.

Motion made to approve the Consent Agenda:

Motion: Rolan Resendiz Second: Kollin Kosmicki

Administrative Services Specialist Rivera called the roll call vote.

Director Resendiz voted yes, Director Kosmicki voted yes, Director Hernandez voted yes, Director Freels voted yes on Items 2 and 3, Chair Velazquez voted yes.

Motion carried: 5/0

Yes: Velazquez, Resendiz, Hernandez, Alt. Kosmicki, Alt. Freels

No: None

Recused: Freels (Item 1)

Abstention: None

Absent: Vazquez Edge, Tiffany

There being no further business to discuss, Director Kosmicki motioned to adjourn at 4:22 p.m.

Motion seconded by Director Resendiz.

Administrative Services Specialist Rivera called the roll call vote.

Director Resendiz voted yes, Director Kosmicki voted yes, Director Hernandez voted yes, Director Freels voted yes, Chair Velazquez voted yes.

Motion carried: 5/0

Yes: Velazquez, Resendiz Hernandez, Alt. Kosmicki, Alt. Freels

No: None

Recused: None

Abstention: None

Absent: Vazquez Edge, Tiffany

ADJOURN TO ALUC MEETING SEPTEMBER 16, 2021 AT 4:00 P.M.



Staff Report

To: Airport Land Use Commission
From: Norma Rivera, Administrative Services Specialist Telephone: (831) 637-7665
Date: October 21, 2021
Subject: Assembly Bill 361 Teleconferencing Options For ALUC

Recommendation:

ADOPT Resolution 21-01 Authorizing Teleconferencing Options for the Airport Land Use Commission meetings for the Period of October 21, 2021, through November 18, 2021.

Summary:

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.

Financial Considerations:

None.

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.

Under Assembly Bill (AB) 361, 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 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.

To continue to meet under those modified rules after November 18, the Board 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 San Benito County and ALUC's COVID-19 response strategy. Local agency public meetings are an essential government function and the last 18 months have proven that the teleconferencing format protects public access while minimizing exposure to COVID-19.

Staff Analysis:

Staff recommends that the Board 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 Board the opportunity to reconsider such findings, is included herewith. If the Board adopts the proposed resolution, then it may continue to meet under the modified Brown Act teleconference rules of AB 361 through November 18, 2021.

Executive Director Review: MG

Counsel Review: Yes

Supporting Attachment(s):

1. Resolution 21-01
Letter from San Benito County Health Officer



BEFORE THE SAN BENITO COUNTY AIRPORT LAND USE COMMISSION

A RESOLUTION OF THE SAN BENITO COUNTY)
 AIRPORT LAND USE COMMISSION (ALUC)) Resolution 21-01
 AUTHORIZING CONTINUED REMOTE)
 TELECONFERENCE MEETINGS OF THE SAN)
 BENITO COUNTY AIRPORT LAND USE)
 COMMISSION PURSUANT TO AB 361)

WHEREAS, the San Benito County Airport Land Use Commission is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; 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 Gavin Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic, pursuant to his authority under the California Emergency Services Act, California Government Code section 8625; 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 4, 2021, Governor Newsom clarified that the "reopening" of California on June 15, 2021 did not include any change to the proclaimed state of emergency or the powers exercised thereunder; and

WHEREAS, on June 11, 2021, Governor Newsom issued Executive Order N-08-21, clarifying 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 Assembly Bill 361 (AB 361), which 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, 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 San Benito County Airport Land Use Commission is a joint powers authority formed under the joint exercise of powers provisions of California Government Code Sections 6500-6522 and the California Code of Civil Procedure section 1240.140, among the County of San Benito, a political subdivision of the State of California, and the Cities of Hollister and San Juan Bautista, municipal corporations located in San Benito County; and

WHEREAS, the San Benito County Board of Supervisors is empowered by Article XI, section 7 of the California Constitution to take actions necessary to protect public, health, welfare, and safety within the County of San Benito; and

WHEREAS, at its regular meeting on October 12, 2021, the San Benito County Board of Supervisors considered all information related to this matter, as presented at the public meetings of the Board of Supervisors identified herein, including any supporting reports by County Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, and adopted Resolution 2021-128, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Airport Land Use Commission has an important governmental interest in protecting the health, safety, and welfare of those who participate in meetings of the Airport Land Use Commission; and

WHEREAS, in the interest of public health and safety, as affected by the emergency caused by the spread of COVID-19, the San Benito County Airport Land Use Commission deems it necessary to find that a requirement to meet in person for meetings of the Airport Land Use 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, the San Benito County Airport Land Use Commission has considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein, including any supporting reports by Airport Land Use Commission's Staff, and any information provided during public meetings, including but not limited to the current circumstances related to the state of emergency, which continues to remain in effect.

WHEREAS, as of the date of this Resolution, neither the Governor nor the California Legislature have exercised their respective powers, pursuant to California Government Code section 8629, to lift the state of emergency either by proclamation or by concurrent resolution in the state Legislature, and the proclaimed state of emergency remains in effect; and

WHEREAS, the continued local rates of transmission of the virus and variants causing COVID-19 are such that meeting in person would present imminent risks to the health or safety of attendees of public meetings; and

WHEREAS, the Board of Directors of the San Benito County Airport Land Use 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 Board of Directors of the San Benito County Airport Land Use Commission as follows:

1. Recitals. The Board of Directors hereby finds that the facts set forth in the Recitals to this Resolution are true and correct and are incorporated into this Resolution by this reference.
2. Proclamation of Local Emergency. The Board of Directors hereby proclaims that a local emergency continues to exist throughout the County, and social distancing orders are currently in place and needed to protect the health and safety of the citizens.

3. Consideration of Future Extensions of Resolution. As long as the State Emergency remains in effect or until directed otherwise by the Board of Directors, staff shall present to the Board at every meeting an item necessary to continue the findings required by AB 361.
4. Effective Date of Resolution. 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 Board of Directors adopts a subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Airport Land Use Commission may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.
5. Remote Teleconference Meetings. The staff and Counsel for the Airport Land Use Commission are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

PASSED AND ADOPTED BY THE SAN BENITO COUNTY AIRPORT LAND USE COMMISSION on this 21ST day of October, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Ignacio Velazquez, Chair

APPROVED AS TO LEGAL FORM:
SAN BENITO COUNTY COUNSEL'S OFFICE

Dated: Oct. 15, 2021

By: Shirley L. Murphy
Shirley L. Murphy, Deputy County Counsel

ATTEST:
Mary Gilbert, Executive Director

Dated: _____

By: _____



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

EXHIBIT A

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,

David Ghilarducci MD
Interim Health Officer

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831-637-5367

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08/23/21