



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

DATE: Thursday, January 19, 2023
4:00 P.M.

LOCATION: *(The meeting is open to the public and available through Zoom)*

Board of Supervisors Chambers
481 Fourth Street
Hollister, CA 95023

Via- Zoom

To join meeting by Zoom: <https://zoom.us/join> see instructions provided at the end of the agenda: Meeting ID: 869-5751-1333

COMMISSIONERS: Vice Chair Kollin Kosmicki (County of San Benito)
Mia Casey (City of Hollister)
Dolores Morales (City of Hollister)
Pending appointment (City of San Juan Bautista)
Pending appointment (County of San Benito)

ALTERNATES: San Benito County: Pending appointment
City of San Juan Bautista: Pending appointment
City of Hollister: Pending appointment

*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. CONTINUE** ALUC Chair and Vice Chairperson Appointments to the February 16, 2023 Board Meeting and **ELECT** Chair Pro Tempore to Conduct the January 19, 2023 meeting.
- B. ACKNOWLEDGE** Certificate of Posting
- C. 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. 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.

Council of San Benito County Governments (COG)

Local Transportation Authority • Airport Land Use Commission • Service Authority for Freeways & Expressways
330 Tres Pinos Road, Suite C7 • Hollister, CA 95023 • Phone: 831-637-7665
sanbenitocog.org

The meetings are open to the public, under the following conditions: All attendees may attend the ALUC meeting in person and follow the State guidelines. If an attendee is not fully vaccinated it is highly recommended that an attendee wears a face covering or face shield. All attendees must comply with any rules of procedures/instructions announced by the ALUC Board and/or ALUC staff. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions listed at the end of the agenda.

- D. **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. **ADOPT** Resolution 23-01 Authorizing Teleconferencing Options for the Airport Land Use Commission Meetings for the Period of January 20, 2023, through February 19, 2023 – Rivera
2. **APPROVE** Airport Land Use Commission Draft Meeting Minutes Dated November 17, 2022 – Gomez

Adjourn to ALUC Meeting on Thursday, February 16, 2023. Agenda Deadline is Tuesday, January 31, 2023 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 hours before the meeting to enable the Council of Governments to make reasonable arrangements to ensure accessibility.

ZOOM INSTRUCTIONS:

1. Remote Viewing

Members of the public who wish to watch the meeting can view the meeting online through Zoom (<https://zoom.us/join>):

Meeting ID: 869-5751-1333

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>

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Each meeting will have a meeting ID, which is a unique number associated with an instant or scheduled meeting (listed above). The chat feature is disabled for all participants. Additionally, the video function is not available to the public.

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: 869-5751-1333** 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/2023/01/ALUC_Packet_011923.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:869-5751-1333** 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/2023/01/ALUC_Packet_011923.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.

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CERTIFICATE OF POSTING

Pursuant to Government Code Section #54954.2(a) the Meeting Agenda for the Airport Land Use Commission on **January 19, 2023** 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 **13th day of January 2023**, on or before **5:00 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: _____ for _____
Monica Gomez, Secretary II
Council of San Benito County Governments



Staff Report

To: Airport Land Use Commission
From: Norma Rivera, Administrative Services Specialist Telephone: (831) 637-7665
Date: January 19, 2023
Subject: Assembly Bill 361 Teleconferencing Options For ALUC

Recommendation:

ADOPT Resolution 23-01 Authorizing Teleconferencing Options for the Airport Land Use Commission meetings for the Period of January 20, 2023, through February 19, 2023.

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 February 19, 2023 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.

The California Department of Public Health (CDPH) and the federal Centers for Disease Control and Prevention (CDC) caution that the Omicron variant of COVID-19 is spreading quickly throughout 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/omicron-variant.html>).

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 February 19, 2023.

Counsel Review: Yes

Supporting Attachment(s):

1. Resolution 23-01
2. 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) AUTHORIZING) Resolution 23-01
 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 Omicron variant of COVID-19 is spreading quickly throughout 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/omicron-variant.html>); and

WHEREAS, on September 30, 2021, Dr. Ghilarducci, Interim San Benito County Public Health Officer, issued a recommendation on Social Distancing at public meetings of legislative bodies within San Benito County; and

WHEREAS, on January 5, 2022, Dr. Gellert, San Benito County Public Health Officer, issued an updated recommendation on continued Social Distancing at public meetings of legislative bodies within San Benito County, 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 meetings on October 12, 2021, November 9, 2021, November 23, 2021, December 14, 2021, January 25, 2022, February 22, 2022, March 22, 2022, April 19, 2022, May 24, 2022, June 28, 2022, August 9, 2022, September 13, 2022, October 11, 2022, November 8, 2022, December 13, 2022, and January 17, 2023, 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 Nos. 2021-128, 2021-140, 2021-148, 2021-160, 2022-04, 2202-21, 2202-38, 2022-47, 2022-59, 2022-73, 2022-88, 2022-107, 2022-122, 2022-136, 2022-151, and 2023-04, 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, at its regular meetings on October 21, 2021, November 18, 2021, and December 16, 2021, special meeting on January 11, 2022, and regular meetings on January 20, 2022, February 17, 2022, March 17, 2022, April 21, 2022, May 19, 2022, June 16, 2022, July 21, 2022, August 18, 2022, September 15, 2022, October 20, 2022, November 17, 2022, and December 15, 2022, the San Benito County Airport Land Use Commission 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 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 Nos. 2021-01, 2021-02, 2021-03, 2022-01, 2022-02, 2022-03, 2022-04, 2022-05, 2022-06, 2022-07, 2022-08, 2022-09, 2022-10, 2022-11, 2022-12, and 2022-13, making the findings and determinations required by AB 361; and

WHEREAS, the San Benito County Airport Land Use Commission has further considered all information related to this matter, as presented at the public meetings of the Board of Directors identified herein as of the date of this Resolution, 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; and

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 19th DAY OF JANUARY 2023, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSENT:
ABSTAIN:

, Chair

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

Dated: Jan. 17, 2023

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

ATTEST:

Dated: _____

By: _____
Binu Abraham
Executive Director

EXHIBIT A

GEORGE GELLERT MD, MP, MPA
HEALTH OFFICER

TRACEY BELTON
AGENCY DIRECTOR



SAN BENITO COUNTY

HEALTH & HUMAN SERVICES AGENCY

PUBLIC HEALTH SERVICES

Healthy People in Healthy Communities

January 5, 2022

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 and more recently the Omicron variant, I strongly urge 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. The conduct of public meetings in a remote or hybrid manner enables members of the community to participate from the comfort of their homes without having to risk contracting these viruses by attending in-person meetings.

In addition, these measures help contain the spread of the disease and protect the community. All events public gatherings, including public meetings, create environments where these virus variants can potentially spread among attendees and participants. However, when combined with social distancing and effective masking practices, along with continued efforts to increase vaccination uptake within San Benito County, a remote or hybrid format for meetings maximizes avenues for public access and input and minimizes the risk of infection for the public, agency staff, meeting presenters, and legislative body members as well.

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

A handwritten signature in black ink, appearing to read "George Gellert".

George Gellert MD, MPH, MPA
Health Officer

PUBLIC HEALTH SERVICES
351 Tres Pinos Road, Suite A-202
Hollister CA 95023
831-637-5367

ENVIRONMENTAL HEALTH
351 Tres Pinos Road, Suite C-1
Hollister CA 95023
831-636-4035

MEDICAL THERAPY UNIT
761 South Street
Hollister CA 95023
831-637-1989

**San Benito County
AIRPORT LAND USE COMMISSION
REGULAR MEETING
Board of Supervisors Chambers
481 Fourth Street, Hollister, CA 95023 & Zoom Platform**

December 15, 2022 4:00 P.M.

MINUTES

MEMBERS PRESENT:

Vice Chair Kollin Kosmicki, Director Mary Vazquez Edge, Director Rolan Resendiz, and Director Peter Hernandez

STAFF PRESENT:

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

CALL TO ORDER:

Vice Chair Kosmicki called the meeting to order at 4:27 p.m.

A. CERTIFICATE OF POSTING

Motion made to acknowledge Certificate of Posting:

Motion: Director Mary Vazquez Edge Second: Director Rolan Resendiz

Director Vazquez Edge voted yes, Director Resendiz voted yes, Director Hernandez voted yes, Vice Chair Kosmicki voted yes.

Motion carried: 4/0

Yes: Kosmicki, Vazquez Edge, Resendiz, Hernandez

No: None

Recused: None

Abstention: None

Absent: None

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.

Vice Chair Kosmicki reminded members of the public that an overview of temporary procedures (Zoom etiquette) for ALUC meetings was attached to the agenda.