



SAN BENITO COUNTY INTERGOVERNMENTAL COMMITTEE

Kollin Kosmicki County of San Benito Supervisor	Angela Curro County of San Benito Supervisor	Mia Casey City of Hollister Mayor	Rick Perez City of Hollister Council Member	Jackie Morris-Lopez City of San Juan Bautista Council Member	Leslie Jordan City of San Juan Bautista Mayor Pro Tempore Superintendent of Schools	Krystal Lomanto San Benito County Office of Education
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City Council Chambers 375 Fifth Street, Hollister, CA 95023

INTERGOVERNMENTAL COMMITTEE - REGULAR MEETING AGENDA September 4, 2024 4:00 PM

All attendees must comply with any other rules of procedures/instructions announced by the Intergovernmental Committee and/or County Staff. The meeting will be available through Zoom and Peak Agenda for those who wish to join or require accommodations.

Members of the public may participate remotely via zoom by registering at the following link:

https://us02web.zoom.us/webinar/register/WN_Qffs4xKzR5SYFY7gqlH1zw

Those participating by phone who would like to make a comment can use the “raise hand” feature by dialing “*9”. In order to receive the full zoom experience, please make sure your application is up to date.

Remote zoom participation for members of the public is provided for convenience only. In the event that the zoom connection malfunctions for any reason, the Board of Supervisors reserves the right to conduct the meeting without remote access.

Written Comments & Email Public Comment

Members of the public may submit comments via email by 5:00 PM on the Monday prior to the meeting to the Hollister City Clerk at coh.cityclerk@hollister.ca.gov.

Public Comment Guidelines

- A.** The Committee welcomes your comments.
- B.** If participating on Zoom, once you are selected you will hear that you have been unmuted: At this time, please state your first name, last name, and county you reside in for the record.

- C. Each individual speaker will be limited to a presentation total of three (3) minutes, or such other time as may be designed by the Chair.*
- D. 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.*

If you have any questions, please contact the Hollister City Clerk, at (831) 636-4000, Ext. 1017 or email coh.cityclerk@hollister.ca.gov.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL:**

Committee Members:

- **County of San Benito: Supervisor Kosmicki and Supervisor Curro**
- **City of Hollister: Mayor Mia Casey and Council Member Rick Perez**
- **City of San Juan Bautista: Council Member Jackie Morris-Lopez and Mayor Pro Tem Leslie Jordan**
- **County of San Benito Office of Education: Superintendent of Schools Krystal Lomanto**

Ex-Officio Committee Members:

- **San Benito High School District: Superintendent Shawn Tennenbaum**
- **Hollister School District Trustee: Kim O'Connor, Board Clerk**

Staff:

- **City of San Juan Bautista: City Manager Don Reynolds**
- **County of San Benito: County Administrative Officer Ray Espinosa**
- **City of Hollister: City Manager David Mirrione**

- 4. APPROVE AFFIDAVIT OF POSTING AGENDA**

- 4.a. Approve Affidavit of Posting Agenda**
Cert of Posting Intergovernmental 09.04.2024

- 5. PUBLIC COMMENT**

The Intergovernmental Committee welcomes you to this meeting and encourages your participation.

- ***If you wish to speak on a matter that does not appear on the agenda, you may do so during the Public Comment period at the beginning of the meeting. Except as otherwise provided by law, no action shall be taken on any item not appearing on the agenda. When addressing the Commission, please state your name for the record. Please address the Commission as a whole through the Chair.***

- *If you wish to speak on an item contained in the agenda please seek recognition from the Chairman prior to consideration of the item.*

6. REGULAR MEETING AGENDA

- 6.a. **Approve Meeting Minutes for the August 7, 2024 Regular Meeting**
08.07.24 Intergovernmental Committee Meeting Minutes
- 6.b. **Discussion on addressing homeless encampments**
- 6.c. **Discussion on County pockets in the City of Hollister**
- 6.d. **Committee Member Reports**
- 6.e. **Future Agenda Items**

7. ADJOURNMENT

In compliance with the Americans with Disabilities Act, and Govt. Code 54953(e)(1)(A), the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk minimum of 48 hours prior to the meeting at (831) 636-4000.

**SAN BENITO COUNTY
INTERGOVERNMENTAL COMMITTEE**

CERTIFICATE OF POSTING

Pursuant to Government Code Section 59454.2(a), the agenda for the San Benito County Intergovernmental Committee meeting of September 4, 2024, was posted on August 30, 2024 at the following location, freely accessible to the public:

The San Benito County website (cosb.us) under the events calendar and BOS Mtgs Peak

and

The public notice board located at the City of Hollister City Hall, 375 Fifth Street, Hollister, CA

I, Jennifer Woodworth, certify under penalty of perjury, that the foregoing is true and correct.

**JENNIFER WOODWORTH, CITY CLERK
CITY OF HOLLISTER**



SAN BENITO COUNTY INTERGOVERNMENTAL COMMITTEE

Kollin Kosmicki County of San Benito Supervisor	Angela Curro County of San Benito Supervisor	Mia Casey City of Hollister Mayor	Rick Perez City of Hollister Council Member	Jackie Morris-Lopez City of San Juan Bautista Council Member	Leslie Jordan City of San Juan Bautista Mayor Pro Tempore	Krystal Lomanto San Benito County Office of Education Superintendent of Schools
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Hollister City Council Chambers 375 Fifth Street, Hollister, CA 95023

INTERGOVERNMENTAL COMMITTEE - REGULAR MEETING- August 7, 2024 – 4:00 PM

1. CALL TO ORDER

The meeting was called to order at 4:01 PM by Vice Chair Kosmicki.

2. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Superintendent Lomanto.

3. ROLL CALL:

Committee Members:

County of San Benito:

Present: Supervisor Kollin Kosmicki and Supervisor Angela Curro.

Absent: None

City of Hollister:

Present Mayor Mia Casey

Absent: Councilmember Rick Perez

City of San Juan Bautista:

Present: None

Absent: Mayor Pro Tem Leslie Jordan and Councilmember Jackie Morris-Lopez

County of San Benito Office of Education:

Present: Superintendent of Schools Krystal Lomanto

Absent: None

Ex-Officio Committee Members:

San Benito High School District:

Present: None

Absent: Superintendent Shawn Tennenbaum

Hollister School District Board Clerk:

Present: None

Absent: Board Clerk Kim O'Connor

Staff:

County of San Benito: Deputy County Administrative Officer Henie Ring

City of Hollister: City Manager David Mirrione

City of San Juan Bautista: City Manager Don Reynolds

4. APPROVE AFFIDAVIT OF POSTING AGENDA

Moved by Supervisor Curro and seconded by Mayor Casey to approve the Affidavit of Posting Agenda.

Motion carries: 4-0-0 (Councilmember Perez, Councilmember Morris-Lopez, and Mayor Pro Tem Jordan absent).

Voting For: Angela Curro, Mia Casey, Kollin Kosmicki, and Krystal Lomanto

Voting Against: None

5. PUBLIC COMMENT

There were no public comments.

6. REGULAR MEETING AGENDA

6.a Approve minutes for the May 1, 2024 regular meeting of the San Benito County Intergovernmental Committee.

No speakers present.

Moved by Mayor Casey and seconded by Superintendent Lomanto to approve the minutes for the May 1, 2024, regular meeting of the San Benito County Intergovernmental Committee.

Motion carries: 4-0-0 (Councilmember Perez, Councilmember Morris-Lopez, and Mayor Pro Tem Jordan absent).

Voting For: Angela Curro, Mia Casey, Kollin Kosmicki, and Krystal Lomanto

Voting Against: None

6.b. Approve minutes for the June 5, 2024 regular meeting of the San Benito County Intergovernmental Committee.

No speakers present.

Moved by Mayor Casey and seconded by Superintendent Lomanto approve the minutes for the June 5, 2024, regular meeting of the San Benito County Intergovernmental Committee.

Motion carries: 4-0-0 (Councilmember Perez, Councilmember Morris-Lopez, and Mayor Pro Tem Jordan absent).

Voting For: Angela Curro, Mia Casey, Kollin Kosmicki, and Krystal Lomanto

Voting Against: None

6.c Discussion on Shared Services between the City of Hollister, City of San Juan Bautista, and the County of San Benito

Hollister City Manager David Mirrione, San Juan Bautista City Manager Don Reynolds, and County of San Benito Deputy County Administrative Officer Henie Ring provided the staff report summarizing shared services and related agreements for the City of Hollister, City of San Juan Bautista, and County of San Benito.

No speakers present.

Supervisor Kosmicki supported the City of Hollister paying more towards the County Library, taking actions to address homelessness, etc. Supervisor Kosmicki suggested all shared services should be discussed as part of the discussion related to potential creation of a Joint Powers Authority (JPA) and Fire Protection District.

Mayor Casey expressed concern regarding reviewing all shared services at one time due to the complexity of the matter and concern with disrupting the process of creating a JPA and Fire Protection District.

Supervisor Curro supported collaboration among agencies to help seek funding opportunities. Supervisor Curro commented on the long-term nature of the problem and suggested the various shared services should be addressed in a prioritized order and not at the same time.

Supervisor Curro suggested creation of an ad hoc committee of the Intergovernmental Committee to discuss and negotiate shared services.

Mayor Pro Tem Leslie Jordan arrived at 4:51 p.m.

Mayor Casey suggested the staff at the various agencies should be negotiating contracts rather than elected officials.

Hollister City Manager David Mirrione stated agency staff typically negotiate based on direction from the respective legislative bodies.

Mayor Casey left at 5:00 p.m.

Supervisor Curro commented on the need to move forward with negotiations related to the Fire Services contract separately from prioritizing discussion of other shared services. Additionally, Supervisor Curro suggested policy is needed governing the shared services.

6.d Committee Member Reports

Members of the committee provided updates for their respective agencies and reported on upcoming events.

6.f Future Agenda Items

Supervisor Kosmicki requested a future agenda item regarding addressing homeless encampments.

Supervisor Curro on county pockets in the City and the need for a policy where they overlap.

7. ADJOURNMENT

The meeting adjourned at 5:09 p.m.



**SAN BENITO COUNTY
INTERGOVERNMENTAL COMMITTEE
AGENDA ITEM
TRANSMITTAL FORM**

Kollin Kosmicki County of San Benito Supervisor	Angela Curro County of San Benito Supervisor	Mia Casey City of Hollister Mayor	Rick Perez City of Hollister Council Member	Jackie Morris-Lopez City of San Juan Bautista Council Member	Leslie Jordan City of San Juan Bautista Mayor Pro Tem	Krystal Lomanto San Benito County Office of Education Superintendent of Schools
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Item Number 6.b

MEETING DATE: 9/04/2024

AGENDA ITEM PREPARER: Jennifer Woodworth, Hollister City Clerk

SUBJECT:

At the August 7, 2024, Intergovernmental Committee meeting, the committee requested a future discussion on addressing homeless encampments.

AGENDA SECTION:

Regular Meeting Agenda

ATTACHMENTS:

1. August 27, 2024 San Benito County Board of Supervisors Report to Adopt "An ordinance of the Board of Supervisors of the County of San Benito adding Chapter 11.18 to the County Code relating to banning the use of certain public rights-of-way as sleeping or living accommodations".



SAN BENITO COUNTY AGENDA ITEM TRANSMITTAL FORM

Dom Zanger
District No. 1

Kollin Kosmicki
District No. 2

Mindy Sotelo
District No. 3
Vice-Chair

Angela Curro
District No. 4
Chair

Bea Gonzales
District No. 5

Item Number: 1.7

MEETING DATE: 08/27/2024

DEPARTMENT: COUNTY COUNSEL

AGENDA ITEM PREPARER: Barbara Thompson

DEPT HEAD/DIRECTOR: David Prentice

SUBJECT:

COUNTY COUNSEL - D. PRENTICE

Adopt "An ordinance of the Board of Supervisors of the County of San Benito adding Chapter 11.18 to the County Code relating to banning the use of certain public rights-of-way as sleeping or living accommodations".

SBC FILE NUMBER: 160

ORDINANCE NO.: 1067

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

Camping Prohibition For several years in California cities and counties have contended with the loss of streets, parks, business entries and other public areas due to the proliferation of unhoused individuals camping and living full time in these areas. This was brought about by the 2018 Ninth Circuit decision, *Martin v. Boise* (Boise Decision). After the Boise Decision, law enforcement was prohibited from interfering with the homeless camps regardless of location unless the agency could provide a bed for all the unhoused within their jurisdiction, a standard that is impossible for most agencies. However, the United States Supreme Court in *Grants Pass, Oregon v. Johnson* (2024) determined that ordinance providing for civil and criminal penalties for camping on public lands does not constitute a cruel or unusual punishment. As a result, the Boise Decision no longer controls local law enforcement. There for the Board of Supervisors may adopt an ordinance prohibiting camping on public property and provide for civil and criminal penalties for a violation of the ordinance.

The Board of Supervisors has desired to consider a non-camping ordinance but was awaiting a change in law to proceed. That change has now occurred and an ordinance prohibiting camping by anyone on public property may now be enacted and law enforcement may proceed to cite and remove those who are criminally in violation. County Code Enforcement may proceed to enforce civil penalties for violation.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

No

LAST CONTRACT AMOUNT OR N/A:

N/A

STATE IF THIS IS A NEW CONTRACT/ HOW MANY PAST AMENDED CONTRACTS/ OR N/A:

N/A

STRATEGIC PLAN GOALS: 1. Operational Development & Excellence

Yes

STRATEGIC PLAN GOALS: 2. Planning And Sustainable Growth

Yes

STRATEGIC PLAN GOALS: 3. Technology

No

STRATEGIC PLAN GOALS: 4. Community Engagement

Yes

STRATEGIC PLAN GOALS: 5. Health & Safe Community

Yes

BUDGETED:

N/A

BUDGET ADJUSTMENT NEEDED:

N/A

SOURCE OF FUNDING:

N/A

UNFUNDED MANDATE:

N/A

SBC BUDGET LINE ITEM NUMBER:

N/A

CURRENT FY COST:

N/A

STAFF RECOMMENDATION:

Adopt "An ordinance of the Board of Supervisors of the County of San Benito adding Chapter 11.18 to the County Code relating to banning the use of certain public rights-of-way as sleeping or living accommodations".

BOARD ACTION RESULTS:

Adopted Ordinance No. 1067 per staff recommendation. (5/0 vote)

ATTACHMENTS:

[Camping Ordinance](#)

[Notice of Summary](#)

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO

ORDINANCE NO. _____

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO ADDING CHAPTER 11.18 TO THE COUNTY CODE RELATING TO BANNING THE USE OF CERTAIN PUBLIC RIGHTS-OF-WAY AS SLEEPING OR LIVING ACCOMMODATIONS

WHEREAS, the Board of Supervisors of the County of San Benito ("County") has considered the statements from County staff and all public comment(s), if any, on the need to enact an ordinance prohibiting the use of public rights-of-way as sleeping or living accommodations; and

WHEREAS, the County finds that it has a legitimate and compelling interest in protecting the public health, welfare and safety of its residents, as well as preserving the same within the County, its parks and other public property; and

WHEREAS, the County must appropriately consider various interests and formulate policy to best protect public health, safety, welfare, property, and the environment, with limited resources; and

WHEREAS, the Board of Supervisors acknowledges the lack of nightly shelter beds and housing currently available regionally and recognizes the systemic lack of state and federal investment in shelter and public health services for those experiencing homelessness; and

WHEREAS, the Board of Supervisors acknowledges that it is currently unavoidable that some people will live or shelter for survival outdoors until they are able to access affordable or free shelter or housing. In County, this has typically meant sheltering, sometimes for extended periods of time, on County rights-of-way and County property, and at times on other agencies' property; and

WHEREAS, public rights-of-way and public property are generally intended for public use and travel. The Board of Supervisors is the authority for public rights-of-way within the County; as such, the County must consider the safety of motorists and pedestrians travelling on roadways and sidewalks, including to and from neighboring properties, businesses, and residences. The County has had increasing concerns regarding safety due to camping on or in rights-of way and public property in or near streets, roads, sidewalks, and public access points; and

WHEREAS, the safety and protection of the most vulnerable population in the County, children, is of paramount concern to the Board of Supervisors; and

WHEREAS, the Board of Supervisors has heard reports from residents of negative interactions between those using public rights-of-way as sleeping and living accommodations and children travelling on paths towards, and locations near, schools and parks; and

WHEREAS, the County has also been made aware of instances where encampment locations near bridges in creeks have resulted in damaging activities that if had been left unaddressed could have resulted in eventual infrastructure failure that would negatively impact public safety; and

WHEREAS, the Board of Supervisors recognizes the difficult challenge of balancing the needs of the residents and public at large to access clean and sanitary public areas, as well as the assurance of safe travel with the needs of individuals who have no alternatives for living accommodations and the storage of their personal property, but also balancing those needs with the concerns of residents that using such property as living and sleep accommodations and storing personal property interferes with the rights of other members of the public to use public areas for their intended purposes and can create a public health or safety hazard that adversely affects those who use public areas.

WHEREAS, the County has determined that an ordinance is necessary to protect the public health, welfare and safety of residents of the County, by enacting regulatory restrictions on using public rights-of-way for sleeping or living accommodations at designated locations; and

WHEREAS, the County now desires to proceed with the process of enacting this ordinance for the purpose of protection of the public health, welfare and safety of its residents.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I

The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION II

Chapter 11.18 of the San Benito County Code shall be added to read as follows:

Chapter 11.18

Ban on the use of certain areas of public rights-of-way as sleeping or living accommodations

11.18.01 Definitions

The definitions contained in this section shall govern the construction, meaning and application of words and phrases used in this Chapter, and shall not apply to any other Chapter of the County Code.

- (a) "County Employee" means any full or part-time employee of the County of San Benito.
- (b) "Personal Property" means any tangible property, and includes, but is not limited to, goods, materials, merchandise, tents, tarpaulins, bedding, sleeping bags, hammocks, sheds, structures, mattresses, couches, chairs, other furniture, appliances, and personal items such as household items, luggage, backpacks, clothing, documents and medication.
- (c) "Public right-of-way" means all property that is owned, managed, or maintained by the County, or where the County possesses a property interest allowing public use of such property (such as a right-of-way interest), and shall include, but not be limited to, any public street, space, ground, building or structure.
- (d) "Sidewalk" means that portion of a street, other than the roadway, set apart by curbs, barriers, markings or other delineation, for pedestrian travel.
- (e) "Street" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel or parking, and includes every highway, avenue, lane, alley, court, place, square, sidewalk, parking lot, parkway, curbs, bikeway or other public way in this County which has been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- (f) "Tent" means a collapsible shelter made of fabric or a tarp stretched and sustained by supports, which is not open on all sides and which hinders an unobstructed view behind or into the area surrounded by the fabric.

11.18.02 Prohibition of using public rights-of-way as sleeping or living accommodations.

(A) Parks and playgrounds

No person shall obstruct by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property on a street, sidewalk, or other public right-of-way in the following locations when it reasonably appears, in light of all the circumstances, the participants in conducting these activities are in fact using the area as a sleeping or living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging:

(B) Within five hundred (500) feet of any park or playground. This prohibition applies all year, overnight, on any weekends and weekdays, even when such facilities may be generally considered closed.

11.18.03 Other public rights-of-way

(A)No person shall obstruct by sitting, lying, or sleeping, or by storing, using, maintaining, or placing personal property on a street, sidewalk, or other public right-of-way in the following locations:

1. In a manner that impedes passage, as provided by the Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 328 (1990), as amended from time to time;
2. Within five hundred (500) feet of any school or daycare facility. This prohibition applies all year, overnight, on any weekends and weekdays, even when such facilities may be generally considered closed.
3. Within one hundred (100) feet of critical infrastructure, including water wells, storm drain basins, railways, bridges and under- and over-passes.
4. Within ten (10) feet of any operational or utilizable building entrance, exit, driveway or loading dock.
5. Within five (5) feet of any fire hydrant, fire plug, or other fire department connection.
6. In a manner that obstructs or unreasonably interferes with the use of the right-of-way for any activity for which the County has issued a permit.
7. In a manner that obstructs any portion of any street or other public right-of-way open to use by motor vehicles, including any portion thereof marked as a bike lane.
8. County creeks and creek embankments within County Limits.

11.18.04 Penalties

A violation of this section involving a person who willfully resists, delays, or obstructs a County employee from enforcing this section or who willfully refuses to comply after being requested to do so by a County employee shall be punishable as a misdemeanor. All other violations of this section shall be enforceable only as infractions pursuant to San Benito County Code Section 1.03.002 or by civil action pursuant to San Benito County Code section 11.03.003.

SECTION III

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of the County of San Benito hereby declares that it would have passed and adopted this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION IV

This Ordinance shall take effect thirty (30) days after its adoption. The Clerk is directed to publish this Ordinance or a summary thereof pursuant to Government Code Section 25124.

PASSED AND ADOPTED this ____ day of ____ 2024 by the following roll call vote:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS

APPROVED:

Angela Curro, Chairperson

ATTEST:

Vanessa Delgado
Clerk of the Board of
Supervisors

APPROVED AS TO FORM

DocuSigned by:

1E135E008CBB438
David Prentice

County Counsel, County of San Benito



**SAN BENITO COUNTY
INTERGOVERNMENTAL COMMITTEE
AGENDA ITEM
TRANSMITTAL FORM**

Kollin Kosmicki County of San Benito Supervisor	Angela Curro County of San Benito Supervisor	Mia Casey City of Hollister Mayor	Rick Perez City of Hollister Council Member	Jackie Morris-Lopez City of San Juan Bautista Council Member	Leslie Jordan City of San Juan Bautista Mayor Pro Tem	Krystal Lomanto San Benito County Office of Education Superintendent of Schools
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Item Number 6.c

MEETING DATE: 9/04/2024

AGENDA ITEM PREPARER: Jennifer Woodworth, Hollister City Clerk

SUBJECT:

At the August 7, 2024, Intergovernmental Committee meeting, the committee requested a future discussion on County pockets in the City of Hollister.

AGENDA SECTION:

Regular Meeting Agenda

ATTACHMENTS:

None.