



**SAN BENITO COUNTY
AGENDA ITEM
TRANSMITTAL FORM**

Dom Zanger
District No. 1
Vice-Chair

Kollin Kosmicki
District No. 2
Chair

Mindy Sotelo
District No. 3

Angela Curro
District No. 4

Ignacio Velazquez
District No. 5

Item Number: 1.12

MEETING DATE: 06/10/2025

DEPARTMENT: COUNTY ADMINISTRATION OFFICE

AGENDA ITEM PREPARER: Gracie Rodriguez

DEPT HEAD/DIRECTOR: Henie Ring

SUBJECT:

COUNTY ADMINISTRATIVE OFFICE - H.RING, INTERIM COUNTY ADMINISTRATIVE OFFICER

Introduce and waive the first and further readings of an ordinance of the San Benito County Board of Supervisors amending Title 7 Chapter 7.14: Microenterprise Home Kitchen Operation of the San Benito County Code, related to the continued authorization of Microenterprise Home Kitchen Operations in the County of San Benito, including within incorporated cities. Continue the matter to the June 24, 2025 Board Meeting for adoption of said ordinance.

SBC FILE NUMBER: 119

ORDINANCE NO.: 1083

AGENDA SECTION:

CONSENT AGENDA

BACKGROUND/SUMMARY:

On September 27, 2022, adopted ordinance 1046 authorizing a Microenterprise Home Kitchen Operations (MEHKOs) program for two years with a one-year update from Environmental Health; required a Food Safety Certificate to be submitted as part of the MEHKO permit application; allow food storage in areas outside of the residence (including garages, outdoor sheds, workshops, etc.) only if stored inside an approved refrigerator or freezer and limited to areas inside the residence if not stored inside a refrigerator or freezer, maintain the maximum number of meals served (30 per day/60 per week); only allow one MEHKO to operate in each residence and delegated authority to staff to take necessary actions to implement directives from the Board.

Since the authorization of a temporary, local MEHKO Program in 2022, Senate Bill 972 (SB 972),

California Retail Food Code, was enacted on January 1, 2023. SB 972 modified State Law to allow home-based businesses, including Cottage Food Operations (CFOs) and MEHKOs, additional opportunities to expand their businesses through compact mobile food operations (carts). Per State Law, the Board must approve these opportunities to broaden CFO or MEHKO businesses.

Additionally, on July 21, 2023, Assembly Bill 1325 (AB 1325), Microenterprise Home Kitchen Operation, was enacted as urgent legislation, modifying State law again and increasing the limit on the number of individual meals that a MEHKO can prepare and sell from 60 to 90 individual meals per week, and raising the maximum amount of verifiable gross annual sales that a MEHKO can have, from no more than \$50,000 to no more than \$100,000, without the Board having to take action.

An update on the local program and AB 1325 was provided on May 7, 2024. However, no update was given at that time on SB 972, as staff were not yet aware of the bill's implications. Instead, a resolution was proposed to extend the existing program to allow additional time for staff to analyze SB 972.

A subsequent update was provided on May 20, 2025, which included information on SB 972. At that time, consensus was reached to continue authorizing the MEHKO program, with direction to staff to work out the logistics related to SB 972—particularly regarding street vendors and the expanded opportunities it provides for MEHKOs and CFOs to operate through the use of carts. Staff will return at a later date with a proposed ordinance regulating street vendors in the county, aligning with the additional opportunities afforded by SB 972 for MEHKOs and CFOs

ENVIRONMENTAL STATEMENT

Today's proposed actions are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(c)(3) of the State CEQA Guidelines. Section 15061(c)(3) is applicable, providing that a project is exempt from CEQA review where "it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

RESOLUTION OR ORDINANCE NEEDED FOR THIS ITEM:

Yes

CONTRACT NEEDED FOR THIS ITEM:

No

RFP AND BID HISTORY:

n/a

LAST CONTRACT AMOUNT OR N/A:

n/a

CONTRACT HISTORY (Describe all amendments and previous contracts):

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:

No

BUDGET ADJUSTMENT NEEDED:

No

SOURCE OF FUNDING:

N/A

UNFUNDED MANDATE:

N/A

SBC BUDGET LINE ITEM NUMBER:

N/A

CURRENT FY COST:

N/A

STAFF RECOMMENDATION:

1. Find that the proposed actions are exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(c)(3) of the State CEQA Guidelines. Section 15061(c)(3) is applicable, providing that a project is exempt from CEQA review where it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

2. Introduce and waive first and further readings of ordinance entitled "AN ORDINANCE OF THE SAN BENITO COUNTY BOARD OF SUPERVISORS AMENDING TITLE 7 CHAPTER 7.14: MICROENTERPRISE HOME KITCHEN OPERATIONS OF THE SAN BENITO COUNTY CODE, RELATED TO THE CONTINUED AUTHORIZATION OF MICROENTERPRISE HOME KITCHEN OPERATIONS IN THE COUNTY OF SAN BENITO, INCLUDING WITHIN INCORPORATED CITIES."
3. Continue the matter to the June 24, 2025 regularly scheduled Board Meeting for adoption of said ordinance.

ATTACHMENTS:

[Ordinance Amending Title 7 Ch 7.14 Establishing a Permanent MEHKO Program](#)

[Ordinance Amending Title 7 Ch 7.14 Establishing a Permanent MEHKO Program -Redlined](#)