

2022

Commissioners

Chair

Christopher Lopez
County Member

Vice Chair

Mary Ann Leffel
Special District Member

Luis Alejo

County Member

Wendy Root Askew
County Member, Alternate

Kimbley Craig
City Member

Matt Gourley
Public Member

Ian Oglesby
City Member

Warren Poitras
Special District Member

Steve Snodgrass
Public Member, Alternate

Graig R. Stephens
Special District Member, Alternate

Anna Velazquez
City Member, Alternate

Counsel

Kelly L. Donlon
General Counsel

Executive Officer

Kate McKenna, AICP

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SPECIAL MEETING MINUTES LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Adopted 1/24/2022

Monday, January 5, 2022

All Commissioners and public participated in the meeting on Monday, January 5, 2022 by Zoom video conference or telephone, in order to avoid public gatherings and until further notice.

Call to Order

The Local Agency Formation Commission was called to order by Chair Lopez at 11:00 a.m.

Roll Call

Commissioner Root Askew
Commissioner Craig
Commissioner Gourley
Commissioner Oglesby
Commissioner Poitras
Commissioner Snodgrass
Commissioner Stephens
Commissioner Velazquez – joined the meeting at 11:04 a.m.
Chair Lopez
Vice Chair Leffel

Members Absent (Excused Absence)

Commissioner Alejo

Staff Present

Darren McBain, Principal Analyst
Jonathan Brinkmann, Senior Analyst
Safarina Maluki, Interim Clerk to the Commission/Office Administrator

Also Present

Kelly L. Donlon, General Counsel
Paula de Sousa, Special Counsel

Pledge of Allegiance

Commissioner Root Askew led the Pledge of Allegiance.

Closed Session

1. Pursuant to Government Code Section 54956.9(d)(2), the Commission will confer with legal counsel regarding one matter of significant exposure to litigation.

Public Comments on Closed Session Items

None

The Commission Recesses for Closed Session Agenda Items

Closed Session may be held at the conclusion of the Commission's Regular Agenda, or at any other time during the course of the meeting, before or after the scheduled time, announced by the Chairperson of the Commission. The public may comment on Closed Session items prior to the Board's recess to Closed Session.

The Commission ADJOURNED to Closed Session at 11:04 a.m.

Reconvene on Public Agenda Items

The Commission RECONVENED to Open Session at 11:21 a.m.

Roll Call

Commissioner Root Askew
Commissioner Craig
Commissioner Gourley
Commissioner Oglesby
Commissioner Poitras
Commissioner Snodgrass
Commissioner Stephens
Commissioner Velazquez
Vice Chair Leffel
Chair Lopez

Members Absent (Excused Absence)

Commissioner Alejo

Read Out from Closed Session by LAFCO General Counsel

Read out by General Counsel will only occur if there is reportable action (s).

Kelly Donlon, General Counsel, advised that there were no reportable items.

General Public Comments

There were public comments made by Rick Aldinger and Gary Cursio.

Consent Agenda

2. Approve finding, pursuant to AB 361 and in order for the Commission to continue to meet remotely, that the COVID-19 pandemic state of emergency declared by Governor Newsom is still in effect; that the Commission has reconsidered the circumstances of the state of emergency; and that the Monterey County Health Officer continues to recommend social distancing measures for meetings of legislative bodies.

Recommended Action: Approve finding.

3. Approve Draft Minutes from the December 6, 2021 LAFCO Regular Meeting.
Recommended Action: Approve Minutes.
4. Approve Warrant Register for November 2021.
Recommended Action: Approve warrant register.
5. Approve Report on Activities of the California Association of Local Agency Formation Commissions.
Recommended Action: Approve report for information only

Commissioner Action:

Upon motion by Commissioner Craig, seconded by Commissioner Leffel, Consent Items #2 -#5 were approved by a Roll Call Vote.

Motion Carried (Roll Call Vote)

AYES: Commissioner Root Askew (voting in the absence of Commissioner Alejo), Craig, Gourley, Oglesby, Poitras, Leffel and Lopez

NOES: None

ABSENT: Commissioner Alejo

ALTERNATES: Commissioners Snodgrass, Stephens, Velazquez (non-voting)

ABSTAIN: None

Old Business

6. Consider adoption of a resolution formalizing and effectuating the Commission's December 6, 2021 decision to deny the Monterey Peninsula Water Management District's proposed activation of latent powers to provide and maintain potable water production and distribution services for retail customers (LAFCO File #21-01).

Recommended Actions:

- (1) Receive a report from the Executive Officer;
- (2) Receive comments from District representatives;
- (3) Receive public comments;
- (4) Provide for questions or follow-up discussion by the Commission; and
- (5) Consider and adopt a resolution (Attachment 1) that formalizes and puts into effect the Commission's December 6, 2021 decision to deny the District's proposed activation of latent powers to provide and maintain potable water production and distribution services for retail customers.

Darren McBain, LAFCO Principal Analyst gave the report on behalf of Kate McKenna, LAFCO Executive Officer.

Mr. McBain advised the Commission of the supplemental correspondence received from December 23 to January 4th; and read into the record last minute correspondence received overnight.

The Commission received comments from David Stoldt, General Manager, Monterey Peninsula Water Management District and George Soneff, Counsel for Cal-Am.

There were twenty-three comments from the public.

There were comments from Chair Lopez, questions for staff from Commissioner Oglesby, and comments from Commissioner Root Askew and Commissioner Velazquez.

Commissioner Action:

Chair Lopez made a motion, with a second by Commissioner Craig to adopt the resolution (Attachment 1) that formalizes and puts into effect the Commission's December 6, 2021 decision to deny the District's proposed activation of latent powers to provide and maintain potable water production and distribution for retail customers.

Motion Carried (Roll Call Vote)

AYES: Commissioners Craig, Gourley, Poitras, Leffel and Lopez

NOES: Commissioners Root Askew (voting in the absence of Commissioner Alejo), Oglesby

ABSENT: Commissioner Alejo

ALTERNATES: Commissioners Snodgrass, Stephens, Velazquez (non-voting)

ABSTAIN: None

Adjournment to the Next Meeting

The meeting was adjourned at 12:40 p.m. The next Regular LAFCO Meeting is scheduled for Monday, January 24, 2022 at 4:00 p.m.