

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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MINUTES

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Adopted on March 28, 2022

Monday, February 28, 2022

All Commissioners and public participated in the meeting on Monday, February 28, 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 4:00 p.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

Staff Present

Kate McKenna, Executive Officer
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 Craig 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

There were no comments from the public.

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 4:03 p.m.

Reconvene on Public Agenda Items

The Commission RECONVENED to Open Session at 4:23 p.m.

Roll Call

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

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 no comments from the public.

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 February 2, 2022 LAFCO Special Meeting.

Recommended Action: Approve Minutes.

4. Approve Draft Notes from the February 18, 2022 LAFCO Budget & Finance Committee Meeting.

Recommended Action: Approve Notes.

5. Approve Bank Warrant Register for January 2022.

Recommended Action: Approve warrant register.

6. Accept Report on Anticipated Agenda Items and Progress Report on LAFCO Special Studies.

Recommend Action: Accept report.

7. Accept Report on Activities of the California Association of Local Agency Formation Commissions.

Recommended Action: Accept report.

8. Approve Draft Financial Statements for Period Ending December 31, 2021.

Recommended Action: Approve the financial statements.

Commissioner Action:

Upon motion by Commissioner Leffel, seconded by Commissioner Poitras, Consent Items #2 -#8 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

New Business

9. City of Pacific Grove – Annexation of Approximately three Acres for Future Development (former Mission Linen Supply site, LAFCO File No. 21-02).

Recommended Actions:

- (1) Receive a report from the Executive Officer and Jonathan Brinkmann, Senior Analyst
- (2) Receive any public comments;
- (3) Provided for any questions or follow-up discussion by the Commission; and
- (4) Move to approve a resolution (Attachment 1) to:
 - a. Consider the city’s finding that the proposal is categorically exempt from CEQA;
 - b. Approve the City’s proposed annexation and related detachment from the Resource Conservation District of Monterey County; and
 - c. Waive Conducting Authority (“protest”) proceedings for this proposal.

Executive Officer, Kate McKenna gave a report. Senior Analyst, Jonathan Brickmann gave the staff report.

There was one comment from the public. Senior Analyst, Jonathan Brickmann responded.

Commission Action:

Upon motion from Commissioner Craig, seconded by Commissioner Leffel, the Commission

- a) Received the report from the Executive Officer and Senior Analyst;
- b) Opened the Public Hearing to receive any public comments.
- c) Closed the Public Hearing
- d) Provided for questions or follow-up discussion by the Commission.
- e) Authorized and approved the Resolution and Attachment 1 items (a) through (c) as listed.

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

Public Hearing

10. Monterey Peninsula Water Management District – Reconsideration of Resolution #22-01 Disapproving the District’s Proposed Activation of Latent Powers to Provide and Maintain Potable Water Production and Distribution Services for Retail Customers.

Recommended Actions:

- (1) Receive a report from the Executive Officer;
- (2) Open the public hearing and public comment period;
- (3) Receive comments from the Monterey Peninsula Water Management District representatives;
Author of reconsideration request #1;
- (4) Receive comments from Margaret-Anne Coppernoll, Ph.D., author of reconsideration request #2;
- (5) Receive comments from California American Water Company (“Cal-Am”), affected owner of the subject water system;

- (6) Receive public comments;
- (7) Provide for questions or follow-up discussion by the Commission.
- (8) Close the public hearing, and;
- (9) Disapprove the reconsideration requests.

Executive Officer, Kate McKenna gave a report. Principal Analyst, Darren McBain gave the staff report and General Counsel, Kelly Donlon provided clarification.

David Stoldt, General Manager, Monterey Peninsula Water Management District and Karen Paull, District Board Chair addressed the Commission.

Margaret-Anne Coppernoll addressed the Commission.

George Soneff, General Counsel (Manatt) for California-American Water Company addressed the Commission.

There were comments from ten members of the public.

There were Commissioner comments from Commissioner Oglesby. Commissioner Root Askew requested clarification which was provided by General Counsel, Kelly Donlon and provided comments.

Commission Action

Upon motion by Commissioner Gourley, seconded by Commissioner Craig, the Commission:

- (1) Received the report from the Executive Officer and Principal Analyst;
- (2) Opened the Public Hearing to receive public comments;
- (3) Received comments from Monterey Peninsula Water Management District representatives;
- (4) Received comments from Margaret-Anne Coppernoll, Ph.D.;
- (5) Received comments from Cal-Am representative;
- (6) Received public member comments;
- (7) Provided for questions and follow-up discussion by the Commission;
- (8) Closed the public hearing, and;
- (9) Disapproved the reconsideration requests.

Motion Carried. (Roll Call Vote).

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

NOES: Commissioner Oglesby

ABSENT: Commissioner Alejo

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

ABSTAIN: Commissioner Root Askew (voting in the absence of Commissioner Alejo)

Executive Officer’s Communications

The Executive Officer may make brief announcements about LAFCO activities, for information only.

II. Communications

- a) Special Districts and Public Member Representation on LAFCO.
- b) Formation of Pajaro Valley Healthcare District.

Executive Officer, Kate McKenna provided reports for information only.

Commissioner Comments

There were no comments from the Commissioners.

Adjournment to the Next Meeting

Commissioner Craig provided an Adjournment Memory in Honor of J.D. Alvarado – Fallen Police Officer, City of Salinas.

The meeting was adjourned at 5:21 p.m. The next Special LAFCO Meeting is scheduled for Monday, March 8, 2022 at 4:00 p.m.