

2022

Commissioners

Chair

Mary Ann Leffel
Special District Member

Vice Chair

Matt Gourley
Public Member

Luis Alejo

County Member

Wendy Root Askew

County Member, Alternate

Kimbley Craig

City Member

David Kong

Special District Member, Alternate

Christopher Lopez

County Member

Ian Oglesby

City Member

Warren Poitras

Special District Member

Steve Snodgrass

Public Member, Alternate

Anna Velazquez

City Member, Alternate

Counsel

Kelly L. Donlon

General Counsel

Executive Officer

Kate McKenna, AICP

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Salinas, CA 93901

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Special Meeting MINUTES LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Adopted September 26, 2022

Monday, August 22, 2022

All Commissioners and public participated in the meeting on Monday, August 22, 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 Leffel at 4:01 p.m.

Roll Call

Commissioner Alejo
Commissioner Root Askew
Commissioner Craig
Commissioner Kong (Joined at 4:09 pm)
Commissioner Lopez
Commissioner Oglesby (Joined at 4:07 pm)
Commissioner Poitras
Commissioner Snodgrass
Commissioner Velazquez
Vice Chair Gourley
Chair Leffel

Members Absent (Excused Absence)

None

Staff Present

Kate McKenna, Executive Officer
Darren McBain, Principal Analyst
Jonathan Brinkmann, Senior Analyst
Safarina Maluki, Clerk to the Commission/Office Administrator

Also Present

Kelly L. Donlon, General Counsel

Pledge of Allegiance

Commissioner Alejo led the Pledge of Allegiance.

General Public Comments

Anyone may address the Commission briefly about items not already on the Agenda.

Paul Rodriguez addressed the Commission.

Special Business

- 0.1 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: Pursuant to AB 361 and in order for the Commission to continue to meet remotely, the Commission finds: 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 of local agencies.

Chair Leffel discussed returning to in-person/hybrid Commission meetings.

They were comments from Commissioners Snodgrass, Lopez, Poitras in support of in-person/hybrid Commission meetings.

Commissioner Action:

Upon motion by Commissioner Alejo, seconded by Commissioner Craig, the Commission approved returning to in-person and hybrid meetings the next regular meeting.

Motion Carried:

AYES: Commissioners: Alejo, Craig, Lopez, Oglesby, Poitras, Vice Chair Gourley, Chair Leffel

NOES: Commissioners: None

ALTERNATES: Commissioners: Root Askew, Kong, Snodgrass, Velazquez (Non-Voting)

ABSENT: Commissioners: None

ABSTAIN: Commissioners: None

Adjournment to the Next Meeting

The special meeting was adjourned at 4:11 p.m. The next (remote) Regular LAFCO Meeting scheduled for Monday, August 22, 2022, commenced immediately following the special meeting at 4:11 p.m.

Alternative Formats and Facility Accommodations: If requested, the agenda packet will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC 12132) and the federal rules and regulations adopted in implementation thereof. Also, if requested, facility or other accommodations will be made for persons with disabilities. Please contact (831) 754-5838 for assistance.

2022

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Regular Meeting MINUTES LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Adopted September 26, 2022

Monday, August 22, 2022

All Commissioners and public participated in the meeting on Monday, August 22, 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 Leffel at 4:11 p.m.

Roll Call

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

Members Absent (Excused Absence)

None

Staff Present

Kate McKenna, Executive Officer
Darren McBain, Principal Analyst
Jonathan Brinkmann, Senior Analyst
Safarina Maluki, Clerk to the Commission/Office Administrator

Also Present

Kelly L. Donlon, General Counsel

Pledge of Allegiance

Chair Leffel dispensed with the Pledge of Allegiance, following the Pledge of Allegiance at the Special Meeting held prior to the Regular Meeting.

General Public Comments

Anyone may address the Commission briefly about items not already on the Agenda.

There were public comments from Michael Bloom and Paul Rodriguez.

Consent Agenda

All items on the Consent Agenda will be approved in one motion and there will be no discussion on individual items, unless a Commissioner or member of the public requests a specific item to be pulled from the Consent Agenda for separate discussion.

1. Approve Draft Minutes from the May 23, 2022 LAFCO Regular Meeting.
Recommended Action: Approve minutes.
2. Approve Bank Warrant Registers for May, June and July 2022.
Recommended Action: Approve warrant registers.
3. Accept Report on Anticipated Agenda Items and Progress Report on LAFCO Special Studies.
Recommended Action: Accept report.
4. Adopt Update to the LAFCO Rules and Regulations (“Bylaws”) for the Orderly and Fair Conduct of Hearings.
Recommended Action: Adopt Resolution finding that the proposed revisions are not a “project” for purposes of the California Environmental Quality Act, and adopting a proposed update to the LAFCO Rules and Regulations (“Bylaws”) for the Orderly and Fair Conduct of Hearings.

Chair Leffel pulled Item #4 from the consent agenda.

5. Accept FORA Dissolution Status Report.
Recommended Action: Accept status report.

Commissioner Action:

Upon motion by Commissioner Lopez, seconded by Commissioner Oglesby, the Commission approved Consent Agenda Items #1, #2, #3 & #5 by a Roll Call Vote.

Motion Carried (Roll Call Vote):

AYES: Commissioners: Alejo, Craig, Lopez, Oglesby, Poitras, Vice Chair Gourley, Chair Leffel

NOES: Commissioners: None

ALTERNATES: Commissioners: Root Askew, Kong, Snodgrass, Velazquez (Non-Voting)

ABSENT: Commissioners: None

ABSTAIN: Commissioners: None

Chair Leffel raised questions about the LAFCO Rules and Regulations (“Bylaws”) for the Orderly and Fair Conduct of Hearings and requested the item be referred to the Budget & Finance Committee at a meeting to be scheduled within the next three (3) weeks and before the next Regular Commission Meeting on Monday, September 26.

Commissioner Action:

Upon motion by Commissioner Poitras, seconded by Commissioner Lopez, the Commission approved the referral of Item #4 to the Budget & Finance Committee for review and to be brought back to the Regular Commission Meeting in September.

Motion Carried (Roll Call Vote):

AYES: Commissioners: Alejo, Craig, Lopez, Oglesby, Poitras, Vice Chair Gourley, Chair Leffel
NOES: Commissioners: None
ALTERNATES: Commissioners: Root Askew, Kong, Snodgrass, Velazquez (Non-Voting)
ABSENT: Commissioners: None
ABSTAIN: Commissioners: None

New Business

6. Consider Business Items for the 2022 Annual Conference of the California Association of Local Agency Formation Commissions.

Recommended Actions:

- 1.) Authorize attendance of up to two (2) staff, one (1) general counsel and seven (7) Commissioners who expressed interest in attending the Annual CALAFCO Conference in Newport Beach on October 19 through October 21 (action item);
- 2.) Designate Regular and Alternate Delegates to represent LAFCO of Monterey County at the Conference (action item);
- 3.) Nominate Supervisor/Commissioner Chris Lopez for the CALAFCO Board County Representative seat (action item);
- 4.) Receive information on the 2022 CALAFCO Achievement Awards (information item); and
- 5.) Receive information on CALAFCO activities (information item).

Commission Actions:

- 1.) Upon motion by Commissioner Lopez, seconded by Commissioner Poitras, the Commission authorized the attendance of the LAFCO Staff, General Counsel and the interested Commissioners to attend the Annual CALAFCO Conference in Newport Beach on October 19 through October 21.
- 2.) Commissioner Poitras made a motion with a second by Commissioner Oglesby to designate Chair Leffel as the Voting Delegate with Commissioner Lopez as the Alternate Delegate, and Executive Officer McKenna as the backup Alternate Delegate.
- 3.) Commissioner Poitras made a motion with a second by Commissioner Oglesby To nominate Supervisor/Commissioner Chris Lopez for a second term to the CALAFCO Board County Representative seat.

Motions Carried (Roll Call Vote):

AYES: Commissioners: Alejo, Craig, Lopez, Oglesby, Poitras, Vice Chair Gourley, Chair Leffel
NOES: Commissioners: None
ALTERNATES: Commissioners: Root Askew, Kong, Snodgrass, Velazquez (Non-Voting)
ABSENT: Commissioners: None
ABSTAIN: Commissioners: None

Public Hearings

7. Conduct a Public Hearing to Consider a Proposal from the Marina Coast Water District for a SOI Amendment and District Annexation totaling approximately 96 acres, in the City of Seaside's portion of the Ord Community.

Recommended Actions:

- 1.) Receive the Executive Officer's Report;
- 2.) Open the public hearing and receive any public comments;
- 3.) Provide for questions or follow-up discussion by the Commission;
- 4.) Close the public hearing; and
- 5.) Move to adopt a resolution (Attachment 1) to:
 - a. Consider the Final Environmental Impact Report (EIR) for the Campus Town Project and the categorical exemption for Parker Flats Apartments Project for which the City of Seaside certified and made findings in March 2020 and May 2022, respectively, pursuant to CEQA, to address the potential environmental effects of the proposed sphere amendment and annexation;
 - b. Approve the District's proposed sphere of influence amendment and annexation (see maps – Attachment 1, Exhibit A); and
 - c. Waive Conducting Authority ("protest") proceedings for this proposal.

Executive Officer McKenna and Senior Analyst Brinkmann presented the report.

There were public comments from Marina Coast Water District General Manager Scherzinger.

Mayor/Commissioner Oglesby made comments.

There were no comments from the public.

There were no other Commissioner comments.

Commission Actions:

Upon motion by Commissioner Oglesby, seconded by Commissioner Alejo, the Commission approved the District's proposed sphere of influence amendment and annexation and waived conducting authority ("protest") proceedings for the proposal

Motion Carried (Roll Call Vote):

AYES: Commissioners: Alejo, Craig, Lopez, Oglesby, Poitras, Vice Chair Gourley, Chair Leffel
NOES: Commissioners: None
ALTERNATES: Commissioners: Root Askew, Kong, Snodgrass, Velazquez (Non-Voting)
ABSENT: Commissioners: None
ABSTAIN: Commissioners: None

8. Consider an Amendment to LAFCO's Schedule of Fees and Deposits.

Recommended Actions:

- 1.) Receive the Executive Officer's Report;
- 2.) Open the public hearing and receive any public comments;
- 3.) Provide for questions or follow-up discussion by the Commission;
- 4.) Close the public hearing; and
- 5.) Consider and adopt a resolution (Attachment 1) to amend LAFCO's Schedule of Fees and Deposits.

Chair Leffel requested that this report be referred to the Budget & Finance for discussion.

Commissioner Velazquez asked procedural questions of the staff.

Chair Leffel recommended this item be continued to the regular September 26 meeting, following review by the Budget & Finance Committee meeting to be held within the next three (3) weeks.

Commission Actions:

Upon motion by Commissioner Poitras, seconded by Commissioner Lopez, the Commission continued the amendment to LAFCO's Schedule of Fees and Deposits to date certain regular Meeting on Monday, September 26, 2022 after review by the Budget & Finance Committee.

Motion Carried (Roll Call Vote):

AYES: Commissioners: Alejo, Craig, Lopez, Oglesby, Poitras, Vice Chair Gourley, Chair Leffel
NOES: Commissioners: None
ALTERNATES: Commissioners: Root Askew, Kong, Snodgrass, Velazquez (Non-Voting)
ABSENT: Commissioners: None
ABSTAIN: Commissioners: None

Executive Officer's Communications

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

9. Executive Officer's Communications

- (a) LAFCO Response Letter regarding a Monterey County Civil Grand Jury Report – "Consolidation of Two North Monterey County Fire Districts"
- (b) Pajaro Valley Health Care District Update
- (c) Contract for Economic Analysis Services
- (d) City of Soledad "Miramonte" 647-acre Sphere Amendment and Annexation Proposal: 30-Day Application Completeness Review Letter
- (e) County Agriculture conservation Mitigation Program – Participation
- (f) Emergency Action Plan Training

Executive Officer Kate McKenna provided a report for information only.

Commissioner Lopez made comments about Item (d). Commissioner Velazquez and Commissioner Alejo also made comments on this topic.

Closed Session

10. Pursuant to Government Code Section 54956.9(d)(1), the Commission will confer with legal counsel regarding existing litigation: *Monterey Peninsula Water Management District v. Local Agency Formation Commission of Monterey County; Commissioners of the Local Agency Formation Commission of Monterey County; and DOES 1 through 20, (Monterey County Superior Court Case No. 22CV000925).*

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.

Public Comments on Closed Session Items

There were no public comments.

The Commission ADJOURNED to Closed Session at 5:06 p.m.

Reconvene on Public Agenda Items

The Commission RECONVENED to Open Session at 5:18 p.m.

Roll Call

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

Read Out from Closed Session by LAFCO General Counsel

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

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

Commissioner Comments

Individual Commissioners may comment briefly on matters within the jurisdiction of LAFCO. No discussion or action is appropriate, other than referral to staff or setting a matter as a future agenda item.

The Commissioners wished Mayor/Commissioner Craig a Happy Birthday and expressed Congratulatory Wishes to Commissioner Gourley on his recent wedding.

Adjournment to the Next Meeting

The meeting was adjourned at 5:20 p.m. The next regular hybrid (in person & remotely) LAFCO Meeting is scheduled for Monday, September 26, 2022 at 4:00 pm. This meeting will be preceded by a special hybrid (in person & remotely) LAFCO Meeting on Monday, September 26, 2022 at 4:00 p.m. to consider AB 361 findings.

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