

2023

Commissioners

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Public Member

Vice Chair

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Mary Adams

County Member, Alternate

Wendy Root Askew

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Special District Member, Alternate

Mary Ann Leffel

Special District Member

Ian Oglesby

City Member

Warren Poitras

Special District Member

Anna Velazquez

City Member, Alternate

Counsel

Reed Gallogly

General Counsel

Executive Officer

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AGENDA
LOCAL AGENCY FORMATION
COMMISSION
OF MONTEREY COUNTY

Regular Meeting
Monday, December 4, 2023
3:00 P.M.

Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal Street,
Salinas, California

This meeting will be conducted in person at the Monterey County Government Center, Salinas. The Public may attend the meeting, participate by Zoom app, or view the meeting on LAFCO's YouTube channel.

Instructions for Remote Public Participation

1. **To Participate in the Meeting:** Use the Zoom app on your smart phone, laptop, tablet or desktop and click on this link: <https://montereycty.zoom.us/j/98854672009>

The meeting ID is: [988 5467 2009](https://montereycty.zoom.us/j/98854672009). There is no password. To make a public comment, please “Raise your Hand.”
2. **To View this Meeting:** Please click on the following link to the LAFCO of Monterey County YouTube site: <https://www.youtube.com/channel/UCIF6pPx2hn3Ek94Wg0UI7QA>.

Then click on the Live Stream of the scheduled meeting.
3. **To Participate by Phone:** Please call: +1 669 900 6833
Enter the meeting ID: [988 5467 2009](https://montereycty.zoom.us/j/98854672009) when prompted. There is no participant code – just enter the meeting id and the pound sign # after the recording prompts you. To make a public comment by phone, please push *9 on your phone keypad.
4. **To Make Public Comments Via Email:** Written comments can be emailed to the Clerk to the Commission at: malukis@monterey.lafco.ca.gov. Please include the following Subject Line: “Public Comment – Agenda Item # __”. Written comments must be received by noon on day of the meeting. All submitted comments will be provided to the Commission for consideration, compiled as part of the record, and may be read into the record.

PLEASE NOTE: If all Committee Members are present in person, public participation by Zoom is for convenience only and is not required by law. If the Zoom feed is lost for any reason, the meeting may be paused while a fix is attempted but the meeting may continue at the discretion of the Chairperson.

AGENDA
REGULAR COMMISSION MEETING
Monday, December 4, 2023

Call to Order

Roll Call

Pledge of Allegiance

General Public Comments

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

Closed Session

The Commission Recesses for Closed Session Agenda Item

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 Item

1. 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).
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Reconvene on Public Agenda Items

Roll Call

Read Out from Closed Session by LAFCO General Counsel

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

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.

2. Approve Draft Minutes from the October 23, 2023 Regular LAFCO Commission Meeting.
Recommended Action: Approve minutes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
3. Approve Draft Notes from the November 8, 2023 Budget & Finance Committee Meeting.
Recommended Action: Approve notes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

4. Adopt the Year-End Financial Statements for Fiscal Year Ending June 30, 2023.
Recommended Action (By Budget & Finance Committee): Adopt the official year-end financial statements for the period ending June 30, 2023.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
5. Adopt the Quarterly Financial Statements for Period Ending September 30, 2023.
Recommended Action (By Budget & Finance Committee): Adopt the financial statements for the period that ended on September 30, 2023.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
6. Accept the October 31, 2023 Draft Balance Sheet and Income Statement.
Recommended Action (By Budget & Finance Committee): Accept statements for information only.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
7. Approve Replenishment of the Litigation Reserve.
Recommended Action (By Budget & Finance Committee): Authorize a balance sheet transfer of approximately \$193,000 from Account No. 3850 (Unreserved Fund) to Account No. 3800 (Reserve for Litigation) to replenish the Litigation Reserve.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
8. Accept Report on Anticipated Agenda Items and Progress Report on LAFCO Special Studies.
Recommended Action: Accept report for information only.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Old Business

9. Consideration of the Draft 2023 Municipal Service Review and Sphere of Influence Study for Five Greenfield Area Public Agencies (Continued from the October 23, 2023 Regular LAFCO Meeting).
Recommended Actions:
 1. Receive a report from the Executive Officer;
 2. Provide for questions or follow-up discussion by the Commission;
 3. Consider the Public Review Draft *2023 Municipal Service Review and Sphere of Influence Study* for the City of Greenfield, Greenfield Fire Protection District, Greenfield Memorial District, Greenfield Public Recreation District, and Greenfield Cemetery District (“Study,” Attachment 1); and
 4. Consider and adopt a resolution (Attachment 2) to:
 - a. Find the action exempt from provisions of the California Environmental Quality Act; (CEQA) under Sections 15306 and 15061(b)(3) of the CEQA Guidelines)
 - b. Adopt the Study and make the recommended Municipal Service Review and Sphere of Influence determinations in accordance with Government Code sections 56430(a) and 562425(e);
 - c. Affirm the currently adopted spheres of influence of the City of Greenfield and four special districts, with no changes; and
 - d. Authorize the Executive Officer to proceed with identified corrective measures to address the Greenfield Memorial, Public Recreation, and Cemetery Districts’ non-compliance with state legal requirements and best practices.

(CEQA: Categorical Exemption, California Environmental Quality Act Guidelines Sections 15306 and 15061(b)(3)).

New Business

10. Consider the Final Annual Audit Report for Fiscal Year Ending June 30, 2023. Recommended Actions (By Budget and Finance Committee):
 - 1.) Receive the Executive Officer's Report;
 - 2.) Receive a presentation from Ms. Karen Campbell, CPA and Senior Audit Manager, Bianchi, Kasavan and Pope, LLP;
 - 3.) Receive any public comments;
 - 4.) Provide for any questions for follow-up discussion by the Commission; and
 - 5.) Adopt the final audit for the fiscal year ending June 30, 2023.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

11. Consider Proposed Amendments to the LAFCO Rules and Regulations "Bylaws" to Change the Commission's Parliamentary Procedures from Robert's Rules of Order to Rosenberg's Rules of Order, and to Add a Code of Conduct and Rules of Decorum. Recommended Actions:
 1. Receive a report from the Executive Officer;
 2. Receive any public comments;
 3. Provide for questions or follow-up discussion by the Commission;
 4. Consider adoption of a resolution (Attachment 1) updating the LAFCO Rules and Regulations ("Bylaws") for the Orderly and Fair Conduct of Hearings; and
 5. Consider receiving a training from LAFCO General Counsel on the use of Rosenberg's Rules of Order at the January 24, 2024 Regular Commission meeting.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Public Hearing

12. Consider a Proposed Castroville Community Services District Minor Sphere of Influence Amendment and Out-of-Agency Wastewater Service Extension for Existing Buildings on the West Side of Struve Road in the Moss Landing Area of Unincorporated Monterey County (Approximately 5.5-Acre Portion of APN: 413-012-014), LAFCO File 23-02.

Recommended Actions:

- 1.) Receive a report from the Executive Officer;
- 2.) Open the public hearing and public comment period, receive any public comments and close the public hearing;
- 3.) Provide for questions or follow-up discussion by the Commission; and
- 4.) Consider a resolution approving Castroville Community Service District's proposed minor sphere of influence amendment and out-of-agency wastewater service extension to the subject site.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Executive Officer's Communications

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

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.

Continued from November 27, 2023: Commission Workshop on LAFCo's Policies and Implementation Practices for Agricultural Preservation and Mitigation

13. Conduct Workshop Regarding LAFCO's Policies and Implementation Practices for Agricultural Preservation and Mitigation.

Recommended Actions:

1. Receive any updated or new information from LAFCO staff and legal counsel;
2. Receive public comments;
3. Resume the discussion from the November 27, 2023 Commission workshop on LAFCO's policies and implementation practices for agricultural preservation and mitigation;
4. At the conclusion of the discussion, consider
 - a. Affirming the Commission's adopted (2010) Policy for Preservation of Open-Space and Agricultural Lands; **and**
 - b. Providing direction on a draft Policy Implementation Guidelines document to guide how the existing Policy should be applied to future City annexations of farmland;
5. Direct staff to bring back a refined Policy Implementation Guidelines document, reflecting outcomes of today's workshop discussion, to the January 22, 2024 regular meeting for consideration and adoption; or
6. Provide other direction to staff.

(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Adjournment to the Next Meeting

The next regular LAFCO Meeting is scheduled for **Monday, January 22, 2024 at 3:00 p.m. at the Monterey County Government Center.**

The Political Reform Act requires that a participant in a LAFCO of Monterey County proceeding who has a financial interest in a change of organization or reorganization proposal and who has made a campaign contribution of more than \$250 to any commissioner in the past year must disclose the contribution. If you are affected, please notify the Commission's staff before the meeting.

Pursuant to Government Code Section 54957.5, public records that relate to open session agenda items that are distributed to a majority of the Commission less than seventy-two (72) hours prior to the meeting will be made available to the public on the LAFCO of Monterey County website at www.monterey.lafco.ca.gov.

AMERICANS WITH DISABILITIES ACT (ADA): All regular and special meeting agendas and associated reports are available at www.monterey.lafco.ca.gov. Any person with a disability under the ADA may receive a copy of the agenda or associated reports upon request. Any person with a disability covered under the ADA may also request a disability-related modification or accommodation, including auxiliary aids or services, to participate in a public meeting. Requests for copies of meeting documents and accommodations must be made with LAFCO of Monterey County staff at (831) 754-5838 at least three business days prior to the respective meeting.