

2023

Commissioners

Chair

Matt Gourley
Public Member

Vice Chair

Kimbley Craig
City Member

Mary Adams

County Member, Alternate

Wendy Root Askew

County Member

Mike Bikle

Public Member, Alternate

Glenn Church

County Member

David Kong

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

Kate McKenna, AICP

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Regular Meeting MINUTES LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Adopted on October 23, 2023

Monday, September 25, 2023
Monterey Room – Second Floor
Monterey County Government Center
168 West Alisal Street
Salinas, California

All Commissioners and public participated in the meeting on Monday, September 25, 2023 in person or by Zoom video conference.

Call to Order

The Local Agency Formation Commission was called to order by Chair Gourley at 3:00 p.m.

Roll Call

Commissioner Adams
Commissioner Root Askew
Commissioner Church
Commissioner Kong
Commissioner Leffel
Commissioner Oglesby
Commissioner Poitras
Commissioner Velazquez
Vice Chair Craig
Chair Gourley

Members Absent (Excused Absence)

None

Staff Present

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

Also Present

Reed Gallogly, General Counsel

Pledge of Allegiance

Commissioner Poitras led the Pledge of Allegiance.

General Public Comments

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

There were no public comments.

Special Business

1. Administer the Oath of Office for Alternate Public Member Commissioner Mike Bikle for the remainder of a four-year term that expires on Monday, May 4, 2026.
Recommended Actions: LAFCO Chair Gourley will administer the Oath of Office followed by a group photograph of the Commission.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Chair Gourley administered the Oath of Office for the appointment of Public Member (Alternate) Commissioner Mike Bikle for the remainder of a four-year term that expires on Monday, May 4, 2026.

Chair Gourley congratulated Commissioner Bikle.

Commissioner Bikle took his seat on the Commission.

The Commission took a group photograph.

Public Comments on Closed Session Item

There were no comments from members of the public.

- ◆ Commissioner Oglesby recused himself from the Closed Session item for this meeting and all future meetings as a member of the Monterey Peninsula Water Management District Board of Directors.
- ◆ Commissioner Adams recused herself from the Closed Session item for this meeting and all future meetings as Chair of the Monterey Peninsula Water Management District Board of Directors.

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.

The Commission ADJOURNED to Closed Session at 3:09 p.m.

Closed Session

2. 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

The Commission RECONVENED to Open Session at 3:42 p.m.

Roll Call

Commissioner Adams
Commissioner Root Askew
Commissioner Bikle
Commissioner Church
Commissioner Kong
Commissioner Leffel
Commissioner Oglesby
Commissioner Poitras
Commissioner Velazquez
Vice Chair Craig
Chair Gourley

Read Out from Closed Session by LAFCO General Counsel

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

General Counsel Gallogly advised that there were no reportable items.

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.

3. Approve Draft Minutes from the August 26, 2023 Regular LAFCO Commission Meeting.
Recommended Action: Approve minutes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
4. Approve Draft Notes from the September 18, 2023 LAFCO Budget & Finance Committee Meeting.
Recommended Action: Approve notes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
5. Accept the August 2023 Draft Balance Sheet and Income Statement.
Recommended Action: Accept statements for information only.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
6. Accept and Authorize the Payoff of Unfunded Pension Liabilities.
Recommended Actions (By Budget & Finance Committee): Adopt a Resolution to authorize the lump sum payoff of LAFCO's unfunded pension liabilities, as follows:
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
 - a. Pay-off the Classic Miscellaneous Plan unfunded pension liability balance by October 16, 2023 in the amount of \$139, 857.48 from equity in the Unreserved Fund Balance, and
 - b. Pay-off the PEPRA Miscellaneous Plan unfunded pension liability balance by October 16, 2023 in the amount of \$12,641.43 from equity in the Unreserved Fund Balance.

7. 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).
8. Accept Report on Activities of the California Association of Local Agency Formation Commissions.
Recommended Action: Accept report for information only.

There were no public or Commissioner requests to pull items for separate discussion.

Commissioner Action:

Upon motion by Commissioner Oglesby, seconded by Commissioner Leffel, the Commission approved Consent Agenda Items #3 – #9, with the supplemental memo and resolution clarification for item #6.

Motion Carried:

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

Old Business

9. City of Soledad – Miramonte Annexation Condition Compliance Status Report and Consideration of a Time Extension.
Recommended Actions: Receive a report from the Executive Officer, receive public comments, provide input to staff on the City’s proposed agricultural mitigation actions, and approve a one-year time extension (to December 19, 2023) of the Commission’s approval of the Miramonte annexation.
 (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Executive Officer McKenna and Principal Analyst McBain presented the report.

There were Applicants comments from:–
 Megan Hunter, City Manager – City of Soledad
 Paul Moncrief – Attorney for Developers

There was Commission discussion with comments from Commissioners Leffel, Velazquez and Chair Gourley. Commissioner Root Askew asked questions of Paul Moncrief, Attorney.

There were additional comments from Chair Gourley, Commissioners Church, Poitras, Craig and Oglesby.

There was public comment from Taven Kinison Brown, Director of Community Development (City of Gonzales) in response to a question from Commissioner Oglesby.

Commissioner Actions:

Upon motion from Commissioner Leffel with a second from Commissioner Root Askew, the Commission approved a one-year time extension (to December 19, 2024) of the Commission’s approval of the Miramonte annexation and for LAFCO staff to work with the City of Soledad staff and the City of Gonzales staff to find 462 available acres within the proposed lots and parameters.

Motion Carried: (Roll Call Vote)

AYES: Commissioners: Root Askew, Church, Leffel, Oglesby, Poitras, Vice Chair Craig, Chair Gourley

NOES: Commissioners: None

ALTERNATES: Commissioners: Adams, Bikle, Kong, Velazquez (Non-Voting)

ABSENT: Commissioners: None

ABSTAIN: Commissioners: None

Public Hearing

- 10. Consider City of Gonzales – “Gloria Road Ag Cooler” Annexation Proposal of Approximately 49 Acres East of U.S. Highway 101 and North of Gloria Road for future agricultural-industrial development (LAFCO File #23-01) and Adopt Resolution.

Recommended Actions:

- (1) Receive the Executive Officer’s Report;
- (2) Open the public hearing and receive 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 mitigated negative declaration that the City prepared, pursuant to CEQA, to address the proposal’s potential environmental effects;
 - b. Approve the City’s proposed annexation and related special district detachments; and
 - c. Waive Conducting Authority (“protest”) proceedings for this proposal, as authorized by State law.

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

Executive Officer McKenna and Principal Analyst McBain presented the report with a minor correction.

There were public comments from:-

Mayor Rios – City of Gonzales

Brent Slama – Brent Slama Consulting (under contract to the City of Gonzales)

Mike Rianda – Landowner

Megan Hunter – City Manager, City of Soledad

There were Commissioner comments from Commissioners Root Askew, Oglesby, Adams, Church and Velazquez.

Commissioner Actions:

Upon motion from Chair Gourley, seconded by Commissioner Leffel, the Commission adopted a resolution approving the City of Gonzales “Gloria Road Agricultural Cooler Project” Annexation, with the correction to section 6c striking out “by the City of Gonzales”, and related detachments from the Gonzales Rural Fire Protection District and the Resource Conservation District of Monterey County (LAFCO File 23-01), and Waiving Conducting Authority (Protest) Proceedings.

Motion Carried: (Roll Call Vote):

AYES: Commissioners: Root Askew, Church, Leffel, Oglesby, Poitras, Vice Chair Craig
Chair Gourley
NOES: Commissioners: None
ALTERNATES: Commissioners: Adams, Bikle, Kong, 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.

ii. Communications

- a) In Memoriam: Louis R. Calcagno.
- b) California Chapter, American Planning Association Conference: Presentation.
- c) Correspondence to the City of Salinas: Notice of Preparation – Environmental Impact Report for the General Plan Update and Climate Action Plan.
- d) Agricultural Preservation Policy Update.
- e) San Benito LAFCO Update
- f) Soledad Community Health Care District: 75th Anniversary
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Executive Officer McKenna provided the report to the Commission.

There were no public comments.

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.

There were no Commissioner comments.

Adjournment to the Next Meeting

Chair Gourley, on behalf of and in appreciation of former Commissioner Louis R. Calcagno, adjourned the meeting at 4:55 p.m.

The next Regular LAFCO Meeting scheduled for Monday, October 23, 2023 at 3:00 p.m. **at the Monterey County Government Center (168 W. Alisal Street).**

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 hearing.

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 shall be made with LAFCO of Monterey County staff at (831) 754-5838 at least three business days prior to the respective meeting.