

2024

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 January 22, 2024

Monday, December 4, 2023
Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal Street
Salinas, California

All Commissioners and public participated in the meeting on Monday, December 4, 2023 in person or by Zoom video conference.

Call to Order

The Local Agency Formation Commission was called to order by Chair Gourley at 3:04 p.m.

Roll Call

Commissioner Adams	Arrived at 3:06 p.m.
Commissioner Root Askew	
Commissioner Bikle	
Commissioner Church	
Commissioner Kong	
Commissioner Leffel	
Commissioner Oglesby	
Commissioner Poitras	
Commissioner Velazquez	Arrived at 3:24 p.m.
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

Karen Campbell, CPA, Senior Audit Manager, Bianchi, Kasavan & Pope, LLP
Reed Gallogly, General Counsel

Pledge of Allegiance

All Commissioners participated in 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.

Closed Session

◆ 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 3:05 p.m.

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).

There were no public comments on the Closed Session item.

Reconvene on Public Agenda Items

The Commission RECONVENED to Open Session at 3:49 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 Reed 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.

2. 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 the 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 and 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 to the target policy level of \$300,000.00
(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).

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

Commissioner Action:

Upon motion by Commissioner Leffel, seconded by Commissioner Oglesby, the Commission approved Consent Agenda Items #2 - #8 by a voice vote.

Motion Carried: (Voice 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

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)).

Executive Officer McKenna introduced the agenda item. Senior Analyst Brinkmann presented the report.

There were comments from two (2) members of the public.

There was Commissioner discussion.

Commissioner Actions:

Commissioner Root Askew made the motion to adopt the resolution; adopt the 2023 Municipal Service Review and Sphere of Influence Study and Determinations for the Five Greenfield Area Public Agencies; find the action exempt from provisions of the California Environmental Quality Act (CEQA) under Sections 15306 and 15061 (b) (3) of the CEQA Guidelines; affirm the currently adopted spheres of influence of the City of Greenfield and four special districts, with no changes; and 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. The motion was seconded by Commissioner Leffel. Motion passed unanimously by voice vote.

Motion Carried: (Voice 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

New Business

10. Consideration of the Final Annual Audit Report for Fiscal Year Ending June 30, 2023.
Recommended Actions (By the Budget & Finance Committee):

- (1) Receive the Executive Officer's Report;
 - (2) Receive a presentation from Ms. Karen Campbell, CPA, Senior Audit Manager, Bianchi, Kasavan & 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).

Executive Officer McKenna introduced the agenda item. Ms. Karen Campbell, CPA and Senior Audit Manager with Bianchi, Kasavan & Pope presented the annual audit report.

There were no comments from the public.

There were comments from Commissioner Leffel.

Commissioner Actions:

Upon motion from Commissioner Leffel, seconded by Commissioner Root Askew, the Commission unanimously voted to adopt the final audit for the fiscal year ending June 30, 2023.

Motion Carried: (Voice 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

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).

Executive Officer McKenna introduced the agenda item. Senior Analyst Brinkmann presented the report.

There were no comments from the public or Commissioners.

There were questions and comments from the Commissioners, answered by General Counsel and Staff. There was Commissioner discussion.

Upon a motion by Commissioner Leffel with a second from Commissioner Poitras, the Commission continued Agenda Item #11 to the Regular Meeting on January 22 to be voted on, after receiving training from General Counsel on the use of Rosenberg’s Rules of Order.

Motion Carried: (Voice 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

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 McKenna introduced the agenda item. Senior Analyst Brinkmann presented the report.

Eric Tynan, General Manager of Castroville Community Services District addressed the Commission.

There were no comments from the public.

Upon a motion by Commissioner Church, with a second from Commissioner Leffel, the Commission unanimously adopted a resolution approving the Castroville Community Service District's minor Sphere of Influence Amendment and out-of-agency wastewater service extension on the subject site.

Motion Carried: (Voice 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.

There were no announcements from the Executive Officer.

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.

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).

Executive Officer McKenna introduced the agenda item. Principal Analyst McBain provided a recap of the previous November 27 workshop session and briefly reviewed the recommended objective of developing a set of written Policy Implementation Guidelines to guide future implementation of the Commission's adopted 2010 Policy for Preservation of Open-Space and Agricultural Lands.

General Counsel Gallogly provided discussion of the policy implementation options presented under Discussion Areas #1 through 4 in Attachment 2 to the November 27 Executive Officer's report. Executive Officer McKenna provided additional comments.

There were comments from twelve (12) members of the public.

Commissioner discussion of the individual policy implementation Discussion Areas 1-4 ensued.

#1 – Timing of implementing agricultural mitigation requirements

Motion #1

Commissioner Leffel made a motion that the Commission move forward with a phased process of implementing agricultural mitigation requirements. Commissioner Craig seconded the motion.

Motion Carried: (Voice 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

Commissioner discussion continued.

Motion #2

Commissioner Leffel motioned that an approved annexation proposal is 100 acres or less, it would be recorded as one single action. If it is 101 acres or more, the approved annexation would be recorded in increments of at least 25%. Motion seconded by Commissioner Craig.

Motion Carried: (Voice 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

Following additional discussion, the Commission made the motion more definitive and restated the motion with clearer language.

Motion #2 Restated:

Commissioner Leffel restated the motion that if an approved annexation proposal is 100 acres or less, then the entire approval would be recorded as one single action with appropriate agricultural mitigation in compliance with LAFCO's procedures. Approved annexations greater than 100 acres

may be incrementally phased in with no more than four (4) subsequent recordation actions, with each increment including at least 25% of the originally approved annexation acreage. Commissioner Craig seconded the motion.

Motion Carried: (Roll Call Vote):

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

#2 – Methods for implementing agricultural mitigation requirements

#2a – How mitigation should be provided (i.e., types of mitigation)

There were Commissioner questions, answered by staff.

Commissioner Root Askew made a motion for staff to develop more specific guidance for how mitigation should be provided, including provisions for how in-lieu fees can be structured to avoid a loss in value between the time in-lieu fees are determined and when the fees are actually paid. The motion is consistent with Option C as shown in Attachment 2 but with the third bullet omitted and with the overriding consideration that conservation easements are generally preferred. Commissioner Church seconded the motion.

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

#2b – Where mitigation lands (conservation easement receiver sites) should be provided

There was Commissioner discussion.

Commissioner Leffel motioned that agricultural mitigation lands are to be located in the same community in which the annexation is proposed, but the mitigation land could be extended to other areas with comparable (“like-for-like”) soils within Monterey County if no suitable mitigation lands can be located in the same community after a good-faith effort. Commissioner Craig seconded the motion.

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

#2c – How much agricultural mitigation should be provided (ratio and criteria)

There was Commissioner discussion.

Commissioner Leffel motioned that agricultural mitigation should be provided at a 1-to-1 ratio – meaning one acre of mitigation provided for each acre of applicable farmland being annexed – and should occur on lands with equivalent or higher farmland mapping designations – i.e. “like-for-like or better” with regard to mapping designations. The motion was seconded by Commissioner Poitras.

Motion Carried: (Roll Call Vote):

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

#3 – Potential exceptions from mitigation requirements

There was Commissioner discussion.

Commissioner Leffel motioned that the Commission establish specific exceptions and ask staff and counsel to come back with further analysis and discussion of the possibility of excepting annexation proposals with specific types of planned land uses. Potential exceptions to be evaluated by staff and counsel include 100% affordable housing, agricultural-related facilities, and schools. The motion was seconded by Commissioner Oglesby.

Motion Carried: (Roll Call Vote):

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

#4 – Lands subject to agricultural mitigation requirements

Commissioners held discussion and asked questions of staff.

Commissioner Church made a motion that agricultural mitigation should be provided for lands being annexed that are designated as either Prime Farmland or Farmland of Statewide Importance on the State of California Department of Conservation’s Important Farmlands Maps as of the date of the Commission’s adoption of LAFCO’s agricultural mitigation implementation guidelines. Mitigation should also be provided for any lands that are changed (added) to one of these categories on future versions of the maps. Chair Gourley seconded the motion.

Motion Carried: (Roll Call Vote):

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

Adjournment to the Next Meeting

Chair Gourley adjourned the meeting at 7:16 p.m.

A Special Closed Session Meeting is scheduled for Thursday, January 11, 2024 at 1:00 p.m. at the Monterey County Government Center (168 W. Alisal Street).

The Regular LAFCO Meeting will be held on Monday, January 22, 2024 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.

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