

2024

Commissioners

Chair

Matt Gourley
Public Member

Vice Chair

Kimbley Craig
City Member

Mary Adams

County Member

Wendy Root Askew

County Member

Mike Bikle

Public Member, Alternate

David Kong

Special District Member, Alternate

Mary Ann Leffel

Special District Member

Chris Lopez

County Member, Alternate

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 February 26, 2024

Monday, January 22, 2024

Board of Supervisors Chambers

Monterey County Government Center

168 West Alisal Street

Salinas, California

All Commissioners and public participated in the meeting on Monday, January 22, 2024 in person or by Zoom video conference.

Call to Order

The Local Agency Formation Commission was called to order by Chair Gourley at 3:03 p.m.

Roll Call

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

Members Absent (Excused Absence)

Commissioner Velazquez

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

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 public comments from Gwyn De Amaral and Leila Banijamali.

Special Business

1. Resolution of Appreciation for Outgoing County Member Commissioner (Regular) – Supervisor Glenn Church.

Recommended Action: Receive a presentation by Chair Gourley and adopt a Resolution of Appreciation to Commissioner Glenn Church for his service on LAFCO.

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

Chair Gourley read the Resolution of Appreciation.

Commissioner Action:

Upon motion by Commissioner Craig, seconded by Commissioner Leffel, the Commission adopted the Resolution of Appreciation.

Motion Carried (Roll Call Vote);

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

NOES: Commissioners: None

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

ABSENT: Commissioners: Velazquez

ABSTAIN: Commissioners: None

2. Oath of Office for County Member Commissioners (Regular) Mary Adams and (Alternate) Chris Lopez.

Recommended Action: It is recommended that Chair Gourley administer the Oath of Office to Commissioners Mary Adams and Chris Lopez upon their appointments to LAFCO for terms ending on May 3, 2027.

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

Chair Gourley administered the Oath of Office to Commissioners Adams and Lopez. The Commissioners took their seats on the dais.

3. Oath of Office for City Member Commissioner (Alternate) Anna Velazquez.

Recommended Action: It is recommended that Chair Gourley administer the Oath of Office to Commissioner Anna Velazquez upon her re-appointment to LAFCO for a term ending on May 1, 2028.

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

Item #3 was postponed to the next regular meeting as Commissioner Velazquez was absent.

At Chair Gourley's discretion, the Closed Session Agenda Item #4 was moved to the end of the Commission Meeting.

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.

5. Draft Minutes from the November 27, 2023 Special LAFCO Commission Meeting.
Recommended Action: Approve minutes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
6. Approve Draft Minutes from the December 4, 2023 Regular LAFCO Commission Meeting.
Recommended Action: Approve minutes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
7. Approve Draft Minutes from the January 11, 2024 Special LAFCO Commission Meeting.
Recommended Action (By Budget & Finance Committee): Approve the financial statements.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
8. Accept the November 30, 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).
9. Accept the December 31, 2023 Draft Balance Sheet and Income Statement.
Recommended Action: Accept the statements for information only.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
10. 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).
11. 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 Leffel, seconded by Commissioner Craig, the Commission approved Consent Agenda Items #5 – #11 by a Roll Call Vote.

Motion Carried (Roll Call Vote):

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

Old Business

12. Consider Adoption of a Resolution Adding Section III (Policy Implementation Guidelines for Agricultural Mitigation) to the Commission’s Adopted Policy for Preservation of Open-Space and Agricultural Lands.

Recommended Actions:

- 1.) Receive a report from staff and legal counsel;
- 2.) Receive public comments;
- 3.) Review and discuss draft Policy Implementation Guidelines for Agricultural Mitigation (Attachment I, Exhibit A) prepared by staff and counsel following the November 27 and December 4, 2023 workshop sessions on LAFCO’s policies and implementation practices for Agricultural preservation and mitigation;
- 4.) Provide any additional changes or refinements to the draft Guidelines; and
- 5.) Adopt the Guidelines by authorizing the Commission Chair to sign a resolution (Attachment I) Amending the Commission’s adopted 2010 Policy for Preservation of Open-Space and Agricultural Lands by adding a new Section III, Policy Implementation Guidelines for Agricultural Mitigation; or provide other direction to staff.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Executive Officer McKenna, Principal Analyst McBain, and General Counsel Gallogly provided introductory comments and answered Commissioner questions. Mr. Gallogly recommended modified wording for Subsection 4 (“Alternative Agricultural Mitigation Proposals”) of the draft Guidelines.

There were comments from seven members of the public. Commissioners discussed the draft Policy Implementation Guidelines and potential clarifications and revisions to the Guidelines.

Motion #1:

Commissioner Root Askew made a motion to adopt the Guidelines as circulated in the meeting packet, with no additional modifications. Chair Gourley seconded.

Motion failed (Roll Call Vote):

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

Commission discussion of the draft Guidelines and the adopted Policy continued, with input from staff and counsel.

Vice Chair Craig and Commissioner Leffel recommended revisions and clarifications regarding:

- Wording in the adopted 2010 Policy that refers to the opinion of the executive officer in evaluating a proposal and the Commission’s authority to approve or deny proposals
- Creating an appeal process for application incompleteness determinations by the executive officer,
- Farmland mapping designations as they relate to the CEQA process,

- Time limitations on recordation of the initial and subsequent certificates of completion for approved annexations,
- Removal of “no less than” from the wording establishing a 1-to-1 agricultural mitigation ratio,
- Requirements for good-faith efforts to secure conservation easements, and
- In-lieu fee payment procedures and use of those payments to acquire conservation easements exclusively in Monterey County.

Commissioners discussed how Guidelines Subsection 4, and particularly the modified wording pertaining to future land uses of public benefit might affect agricultural mitigation requirements.

Motion #2:

Commissioner Leffel made a motion to adopt Subsection 4 of the draft Guidelines (“Alternative Agricultural Mitigation Proposals”) with modified wording as recommended by General Counsel Gallogly during the meeting, with this subsection to return to the next meeting with the rest of the Guidelines. Vice Chair Craig seconded.

Motion carried (Roll Call Vote):

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

There was a brief discussion on how to move forward with the draft Guidelines and the Policy.

Motion #3:

Commissioner Adams moved to direct staff to prepare a revised set of amendments to the Policy reflecting the Commission’s discussion, and bring the revised draft back to the next meeting. Commissioner Leffel seconded the motion.

Motion Carried (Roll Call Vote):

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

Commissioners Adams and Oglesby left the meeting at 5:00 p.m.

13. Receive a Training from General Counsel on Rosenberg’s Rules of Order and Consider Proposed Amendments to the LAFCO rules and Regulations “Bylaws” to: (1) Change the Commission’s Parliamentary Procedures from Robert’s Rules of Order to Rosenberg’s Rules of Order, and (2) Add a Code of Conduct and Rules of Decorum (Continued from the December 4, 2023 Regular LAFCO Meeting).

Executive Officer McKenna presented the report.

General Counsel Gallogly presented a slideshow training on Rosenberg’s Rules of Order.

There were no public comments.

General Counsel Gallogly answered Commissioner questions.

Commissioner Action:

Upon motion by Commissioner Leffel, seconded by Commissioner Poitras, the Commission adopted Amendments to the LAFCO Rules & Regulations “Bylaws” to:

1. Change the Commission’s Parliamentary Procedures from Robert’s rules of Order to Rosenberg’s Rules of Order, and;
2. Add a Code of Conduct and Rules of Decorum
3. Adopt a Resolution updating the LAFCO Rules and Regulations (“Bylaws”) for the Orderly and Fair Conduct of Hearings.

Motion Carried (Roll Call Vote):

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

New Business

14. LAFCO Budget and Finance Committee Appointments

Recommended Action: It is recommended that the Commission confirm the Chair’s 2024 nominations for the LAFCO Budget and Finance Committee: Commissioners Mary Ann Leffel, Ian Oglesby and Chris Lopez.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Executive Officer McKenna presented report.

Commissioner Action:

Upon motion by Commissioner Kong, seconded by Commissioner Craig, Commissioners Leffel, Lopez and Oglesby were unanimously nominated to the 2024 Budget & Finance Committee by Roll Call Vote.

Motion Carried (Roll Call Vote):

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

Public Comments on Closed Session Item

There were no comments from the public.

Closed Session

◆ Commissioner Oglesby is recused 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 is recused 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 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 5:20 p.m.

4. 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

Vice Chair Craig RECONVENED the Commission to Open Session at 5:28 p.m. and advised that there were no reportable items.

Executive Officer's Communications

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

None.

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

Vice Chair Craig adjourned the meeting at 5:29 p.m.

The next Regular LAFCO Meeting scheduled for Monday, February 26, 2024 at 3:00 p.m. at the Monterey County Government Center (168 W. Alisal Street, Salinas).

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.