

2024

Commissioners

Chair

Kimbley Craig
City Member

Vice Chair

Wendy Root Askew
County Member

Mary Adams
County Member

Mike Bikle
Public Member, Alternate

Matt Gourley
Public Member

David Kong
Special District Member, Alternate

Mary Ann Leffel
Special District Member

Chad Lindley
Special District Member

Chris Lopez
County Member, Alternate

Ian Oglesby
City Member

Anna Velazquez
City Member, Alternate

Counsel

Reed Gallogly
General Counsel

Executive Officer

Kate McKenna, AICP

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AGENDA
LOCAL AGENCY FORMATION
COMMISSION
OF MONTEREY COUNTY

Regular Meeting
Monday, October 28, 2024
3:00 P.M.

Board of Supervisors Chambers
First Floor
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

- 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/98228893780>

The meeting ID is: [982 2889 3780](https://montereycty.zoom.us/j/98228893780). There is no password. To make a public comment, please “Raise your Hand.” Please state your first and last name before addressing the Commission.
- 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.
- To Participate by Phone:** Please call: +1 669 900 6833
Enter the meeting ID: [982 2889 3780](https://montereycty.zoom.us/j/98228893780) 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. Please state your first and last name before addressing the Commission.
- 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 Commissioners 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, October 28, 2024

Call to Order

Roll Call

Pledge of Allegiance

General Public Comments

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

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.

CEQA: Consent Agenda items are not projects under California Environmental Quality Act Guidelines Section 15378, unless otherwise noted.

1. Approve Draft Minutes from the September 23, 2024 Regular LAFCO Commission Meeting (pg. 7).
Recommended Action: Approve minutes.
2. Approve Draft Notes from the September 26, 2024 LAFCO Budget & Finance Committee Meeting (pg. 12).
Recommended Action: Approve notes.
3. Accept the September 30, 2024 Draft Balance Sheet and Income Statement (pg. 16).
Recommended Action: Accept statements for information only.
4. Approve and Authorize the payoff of Unfunded Pension Liabilities (pg. 21).
Recommended Actions (By Budget & Finance Committee): Adopt a Resolution to authorize the lump sum payoff of LAFCO's unfunded pension liabilities, as follows:
 - a. Pay-off the Classic Miscellaneous Plan unfunded pension liability balance by November 1, 2024 in the approximate amount of \$45,071 from equity in the Unreserved Fund Balance; and
 - b. Pay-off the PEPRA Miscellaneous Plan unfunded pension liability balance by November 1, 2024 in the approximate amount of \$5,828 from equity in the Unreserved Fund Balance.
5. Authorize the Executive Officer to execute Amendment #3 to the Best Best & Krieger LLP Agreement for Specialized Attorney Services, Increasing Attorneys' Authorized Budget by \$75,000 (pg. 24).
Recommended Actions: Authorize Agreement Amendment #3 with Best Best & Krieger LLP to provide funding for continued legal representation of LAFCO in litigation with the Monterey Peninsula Water Management District (MPWMD) (Case No. 22CV000925).
6. Approve City of Soledad – Miramonte Annexation Time Extension (pg. 26).
Recommended Actions: Approve a one-year time extension (to December 31, 2025).
7. Accept Status Report on Annual Work Program Implementation (pg. 31).
Recommended Action: Accept report for information only.

New Business

8. Accept Status Report on Activities of the California Association of Local Agency Formation Commissions (pg. 39).
Recommended Action: Accept report for information only.

9. Consideration of a draft 2024 Municipal Service Review and Sphere of Influence Study for the Seven Monterey Peninsula-Area Cities: Marina, Seaside, Sand City, Del Rey Oaks, Monterey, Pacific Grove, and Carmel-by-the-Sea (pg. 41).
Recommended Actions:
 1. Receive a report from the Executive Officer;
 2. Receive public comments;
 3. Provide for questions or follow-up discussion by the Commission;
 4. Consider a Public Review Draft Municipal Service Review and Sphere of Influence Study for the Seven Monterey Peninsula-Area Cities (Marina, Seaside Sand City, Del Rey Oaks, Monterey, Pacific Grove, and Carmel-by-the-Sea – **Attachment 1**); and
 5. Consider and adopt a resolution (**Attachment 2**) to:
 - a. Find adoption of the study and its recommended actions exempt from provisions of the California Environmental Quality Act (CEQA);
 - b. Adopt the study and its recommended determinations in accordance with Government Code sections 56430(a) and 56425(e);
 - c. Affirm the currently adopted spheres of influence of all seven Peninsula-area cities (Marina, Seaside, Sand City, Del Rey Oaks, Monterey, Pacific Grove, and Carmel-by-the-Sea) with no changes at this time;
 - d. Encourage the Cities of Marina, Seaside, Monterey, and Carmel – along with the County of Monterey and special districts such as Monterey County Regional and Cypress Fire Protection District – to consider consulting about future growth and development on the existing city edges. Following these discussions, the parties could consider entering into a memorandum of agreement addressing potential future annexations, land uses, municipal finances, or other related aspects of future growth and development on the city edges;
 - e. Encourage the City of Marina to clarify, as part of its current General Plan update process, that the City does not intend to annex East Garrison in the foreseeable future, and to consider requesting that LAFCO remove northern East Garrison from the City's sphere of influence as part of a future comprehensive sphere amendment (following completion of the City's General Plan update); and
 - f. Encourage the City of Monterey to continue to explore ways to partner with local agencies such as Monterey County Regional Fire District, Cypress Fire Protection District, Monterey Peninsula Airport District, and Del Rey Oaks, as well as the California Department of Transportation (Caltrans), regarding fire protection, emergency medical response, and emergency vehicle access in the Highway 68 corridor as needs and opportunities evolve in the future.

10. Consideration of a draft 2024 Municipal Service Review and Sphere of Influence Study for the San Lucas and San Ardo Water Districts (pg. 98).
Recommended Actions:
 1. Receive a report from the Executive Officer;
 2. Receive public comments;
 3. Provide for questions or follow-up discussion by the Commission;
 4. Consider a Public Review Draft Municipal Service Review and Sphere of Influence Study for the San Lucas and San Ardo Water Districts (**Attachment 1**); and

5. Consider and adopt a resolution (**Attachment 2**) to:
 - a. Find adoption of the study and its recommended actions exempt from provisions of the California Environmental Quality Act (CEQA);
 - b. Adopt the study and its recommended determinations in accordance with Government Code sections 56430(a) and 56425(e);
 - c. Affirm the currently adopted spheres of influence of the San Lucas and San Ardo Water Districts, with no changes;
 - d. Encourage the San Lucas and San Ardo Water Districts to complete capital improvement programs and rate studies to assess future costs of service provision and establish appropriate customer rates; and
 - e. Authorize the Executive Officer to proceed with a range of corrective measures to address the San Lucas and San Ardo Water Districts' noncompliance with state legal requirements and best practices, as identified in the study.

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.

Public Comments on Closed Session Items

Closed Session

- II. 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) (pg. 127).
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

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.

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).

Adjournment to the Next Meeting

The next regular LAFCO Meeting is scheduled for **Monday, December 2, 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.