

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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Regular Meeting MINUTES

LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY

Adopted June 24, 2024

Monday, May 20, 2024

All Commissioners and public participated in the meeting on Monday, May 20, 2024 in person or by Zoom video conference.

Call to Order

The Local Agency Formation Commission was called to order by Chair Gourley at 3:02 p.m.

Roll Call

Commissioner Adams
Commissioner Kong
Commissioner Leffel
Commissioner Oglesby
Vice Chair Craig
Chair Gourley

Members Absent (Excused Absence)

Commissioner Root Askew
Commissioner Bikle
Commissioner Lopez
Commissioner Velazquez

Staff Present

Kate McKenna, 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

The Commissioners participated in the Pledge of Allegiance.

General Public Comments

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

There was public comment from Pete Poitras.

Special Business

1. Consider a Resolution Declaring the 2024 Selection Results of the Independent Special District Selection Committee for a LAFCO Regular Member Representative (pg. xx).
Recommended Action: Adopt a Resolution Declaring the Results of a Process to Select a Regular Special District Member Representative to serve on LAFCO.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Jonathan Brinkmann, Senior Analyst presented the report.

There were no comments from members of the public.

Commissioner Action:

Upon motion by Commissioner Leffel, seconded by Chair Gourley, the Commission adopted a Resolution declaring the results of the process to select a Regular Special District Member Representative to serve on LAFCO by a roll call vote.

Motion Carried (Roll Call Vote):

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

2. Administer the Oath of Office for Regular Special District Member Commissioner Chad Lindley for a Term ending on the First Monday in May 1, 2028 (pg. xx).
Recommended Action: It is recommended that Chair Gourley administer the Oath of Office to Commissioner Lindley.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Chair Gourley administered the Oath of Office to Commissioner Chad Lindley, who then took his seat on the dais.

3. Select the LAFCO Chair and Chair Pro Tempore for a Period Ending in May 2025 (pg. xx).
Recommended Action: Conduct the Selection Process and select the Chair and Chair Pro Tempore for a one-year period ending on May 5, 2025.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Jonathan Brinkmann, Senior Analyst presented the report.

There were no public comments.

Commissioner Oglesby nominated Commissioner Craig as Chair of the Commission.

Commissioner Action: Chair

Upon motion by Commissioner Gourley, seconded by Commissioner Adams, the Commission unanimously selected Commissioner Craig as Chair for a one-year period ending on Monday, May 5, 2025.

Commissioner Action: Pro Tempore

Upon motion from Commissioner Oglesby, seconded by Commissioner Adams, the Commission unanimously selected Commissioner Root Askew as Vice Chair.

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.

4. Approve Draft Minutes from the April 22, 2024 Regular LAFCO Commission Meeting.
Recommended Action: Approve minutes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
5. Approve Draft Notes from the May 6, 2024 LAFCO Budget & Finance Committee Meeting.
Recommended Action: Approve notes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
6. Approve the Draft Financial Statements for Period Ending March 31, 2024.
Recommended Action (By Budget & Finance Committee): Accept the financial statements.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
7. Accept the April 30, 2024 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).
8. Resolution Declaring the 2024 Selection Results of the Independent Special District Selection Committee of a Special District Representative to the Countywide Consolidated Oversight Board.
Recommended Action: Adopt a Resolution Declaring the Results of a Process to Select a Special District Representative to serve on the Countywide Oversight Board.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
9. Approve Transfer of Remaining Funds from Temporary Professional Services (Fire Consultant) Encumbered Funds to the Unreserved Fund Balance.
Recommended Action (By Budget & Finance Committee): Adopt a Resolution transferring all remaining funds from Temporary Services Encumbered Funds to the Unreserved Fund Balance.
(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.
(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 Gourley, seconded by Commissioner Leffel, the Commission approved and adopted Consent Agenda Items #4 – 11 by a roll call vote:

Motion Carried (Roll Call Vote):

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

New Business

12. Consider a Draft of a Comprehensive Policies and Procedures Manual.

Recommended Actions (By Budget & Finance Committee):

1. Receive a report from Executive Officer and Staff;
2. Receive public comments;
3. Provide for questions or follow-up discussion by the Commission; and
4. Consider adoption of a resolution (Attachment 1) adopting a Comprehensive Policies and Procedures Manual.

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

Senior Analyst Brinkmann presented the report.

Commissioner Leffel, Chair of the Budget & Finance Committee, endorsed the manual as presented,

There were no comments from the public.

Commissioner Action:

Upon motion by Commissioner Leffel, seconded by Commissioner Gourley, the Commission unanimously approved the Comprehensive Policies and Procedures Manual.

Motion Carried (Roll Call Vote):

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

13. Consider Business Items for the 2024 Annual Conference of the California Association of Local Agency Formation Commissions (CALAFCO).

Recommended Actions:

- (1) Receive the Executive Officer's Report;
- (2) Authorize attendance of three staff, one general counsel, and all Commissioners who express interest in attending the Annual CALAFCO Conference in Yosemite on October 16 – 18, 2024;
- (3) Designate Regular and Alternate Delegates to represent LAFCO of Monterey County at the Conference;
- (4) Nominate Supervisor/Commissioner Wendy Root Askew for election to the CALAFCO Board Coastal Region County Representative seat, and

- (5) Nominate Monterey LAFCO for two of the CALAFCO Achievement Awards Categories:
- a) The Commission for the Mike Gotch Excellence in Public Service Award for the Protection of Agricultural and Open Space Lands and Prevention of Sprawl; and
 - b) The Executive Officer for the Lifetime Achievement Award.
- (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Senior Analyst Brinkmann presented the staff report.

There were no public comments.

Commissioner Actions:

1. The Commission received the Executive Officer’s and Staff report.
2. Upon motion from Commissioner Leffel and seconded by Commissioner Gourley, the Commission unanimously authorized and approved the attendance of LAFCO staff, general counsel and all Commissioners who were in interested in attending the Annual CALAFCO Conference;
3. Upon motion from Commissioner Leffel and seconded by Commissioner Gourley, the Commission unanimously approved and designated Chair Craig as the Regular Delegate and Commissioner Root Askew as the Alternate Delegate to represent LAFCO of Monterey County at the 2024 Annual Conference;
4. Upon motion by Commissioner Leffel, seconded by Commissioner Gourley, the Commission unanimously approved the nomination of Supervisor/Commissioner Wendy Root Askew for re-election to the CALAFCO Board Coastal Region County Representative seat;
5. Upon motion by Commissioner Leffel, seconded by Commissioner Gourley, the Commission unanimously approved to nominate Monterey LAFCO for two of the CALAFCO Achievement Awards Categories:
 - a. The Commission for the Mike Gotch Excellence in Public Service Award for the Protection of Agricultural and Open Space Lands and Prevention of Sprawl; and
 - b. The Executive Officer for the Lifetime Achievement Award.

Motions Carried (Roll Call Vote):

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

Public Hearings

14. Continued Public Hearing from February 22, 2021 to Consider Resolution on Dissolution of the Fort Ord Reuse Authority (FORA), (LAFCO File No. 18-06)
Recommended Actions (By the Budget & Finance Committee):

1. Receive the Executive Officer’s Report;
2. Reopen the public hearing and receive any public comments;
3. Provide for questions or follow-up discussion by the Commission;
4. Close the public hearing; and

5. Consider and adopt a resolution (Attachment 1) making written Commission determinations relating to FORA dissolution.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Senior Analyst Brinkmann presented the report and answered Commissioner questions.

There were no comments from the public.

Commissioner Action:

Upon motion by Commissioner Oglesby, seconded by Commissioner Leffel, the Commission approved the Resolution on the Dissolution of the Fort Ord Reuse Authority and the equal disbursement of LAFCO-held funds to the five land use jurisdictions before June 30, 2024.

Motion Carried (Roll Call Vote):

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

15. Consider an Amendment to LAFCO's Schedule of Fees and Deposits
Recommended Actions (By Budget & Finance Committee):

1. Receive the Executive Officer's Report;
2. Open the public hearing and receive any public comments;
3. Provide for questions or follow-up discussion by the Commission;
4. Close the public hearing; and
5. Consider and adopt a resolution (Attachment 1) to amend LAFCO's Schedule of Fees and Deposits.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Senior Analyst Brinkmann presented the staff report and answered Commissioner questions.

Commissioner Leffel, Chair of the Budget & Finance Committee added comments and endorsed the Amendment.

There were no public comments.

Commissioner Action:

Upon motion by Commissioner Leffel, seconded by Commissioner Adams, the Commission unanimously approved the resolution to amend LAFCO's Schedule of Fees and Deposits.

Motion Carried (Roll Call Vote):

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

Executive Officer's Communications

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

No announcements.

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.

Commissioner Gourley welcomed Commissioner Lindley to the LAFCO Commission and congratulated him on ribbons received at the Fair.

Public Comments on Closed Session Items

Commissioner Oglesby congratulated Commissioner Lindley on joining LAFCO, thanked outgoing Chair Gourley for his year of service, commitment to LAFCO and leadership; and congratulated Incoming Chair Craig. Commissioner Oglesby advised that he would be present for Closed Session Item #1 and recused from Item #2.

Commissioner Adams congratulated and thanked outgoing Chair Gourley for his gracious leadership during his year of service. Commissioner Adams advised that she would be present for Closed Session Item #1 and recused from Item #2.

There were no public comments on closed session items.

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 3:30 p.m.

Closed Session

16. (1) The Commission will conduct a review of the Public Employee Annual Performance Appraisal Program in closed session, pursuant to Code Section 54957. Position: LAFCO Executive Officer (pg. xx). (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
- (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) (pg. xx). (CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Reconvene on Public Agenda Items

The Commission RECONVENED to Open Session at 4:22 p.m.

Roll Call

Commissioner Gourley
Commissioner Kong
Commissioner Leffel
Commissioner Lindley
Chair Craig

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.

Adjournment to the Next Meeting

Chair Craig adjourned the meeting at 4:23 p.m.

The next Regular LAFCO Meeting scheduled for Monday, June 24, 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.