

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 September 23, 2024

Monday, June 24, 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 Craig at 3:00 p.m.

Roll Call

Commissioner Adams	<i>arrived at 3:07 p.m.</i>
Commissioner Bikle	
Commissioner Gourley	
Commissioner Kong	
Commissioner Leffel	
Commissioner Oglesby	<i>arrived at 3:12 p.m.</i>
Commissioner Velazquez	<i>arrived at 3:10 p.m.</i>
Vice Chair Root Askew	<i>arrived at 3:07 p.m.</i>
Chair Craig	

Members Absent (Excused Absence)

Commissioner Lindley
Commissioner Lopez

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

Commissioner Gourley led the Commission 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.

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.

1. Approve Draft Minutes from the May 20, 2024 Regular LAFCO Commission Meeting.
Recommended Action: Approve minutes.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378)
2. Accept the May 31, 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).
3. Consider proposed Employment Contract Amendment #9 to Compensation Terms for LAFCO Executive Officer Cost of Living Adjustment.
Recommended Action: Consider amendment of a 3.4 per cent cost of living adjustment.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).
4. 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).
5. 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 Leffel, seconded by Commissioner Gourley, the Commission approved and adopted Consent Agenda Items #1 – 5 by a roll call vote:

Motion Carried (Roll Call Vote/Voice):

Roll Call

Commissioner Gourley
Commissioner Kong
Commissioner Leffel
Chair Craig

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

New Business

6. Consider Potential Update to the Public Employee Annual Performance Appraisal Program Process Recommended Actions:

- (1) Receive the Executive Officer's Report;
- (2) Receive public comments;
- (3) Provide for questions or follow-up discussion by the Commission; and
- (4) Provide direction on future consideration of a potential update to the Public Employee Annual Performance Appraisal Program Process.
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Senior Analyst Brinkmann presented the report.

There were comments from Commissioner Gourley.

Commissioner Leffel supported the recommendation to establish an ad hoc committee to review the existing procedures.

There were no comments from the public.

Commissioner Action:

Upon motion by Commissioner Leffel, seconded by Commissioner Gourley, the Commission unanimously approved establishing an ad hoc committee to review the existing procedures to consider option and present their findings and recommendations to the Commission at a future meeting.

Motion Carried (Roll Call Vote/Voice):

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

Public Hearing

7. Consideration of the draft 2024 Municipal Service Review and Sphere of Influence Study for Three Soledad-Area Special Districts. Recommended Actions:

1. Receive a report from the Executive Officer,
2. Provide for questions or follow-up discussion by the Commission;
3. Consider a Public Review Draft Municipal Service Review and Sphere of Influence Study for the Soledad Health Care, Recreation, and Cemetery Districts; and
4. Consider and adopt a resolution 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. Approve the Health Care District's proposed sphere of influence amendment and affirm

- the currently adopted spheres of influence of the Recreation District and the Cemetery District;
- d. Authorize the Executive Officer to proceed with corrective measures to address the Cemetery District’s noncompliance with state legal requirements and best practices, as identified in the study; and
 - e. Approve the study’s additional recommended actions as summarized below.
 - Encourage the Health Care District and the Recreation District to explore the possibility of establishing development impact fees and participating in future City-led development agreements or citywide revenue-enhancement measures;
 - Encourage the Recreation District and the Cemetery District to explore integrating district services with the City of Soledad; and
 - Encourage the County Board of Supervisors to consider terminating the Cemetery District’s board of trustees and appoint itself as the governing body if the Cemetery District has not substantially met State legal requirements and addressed community concerns regarding cemetery operations within approximately 12 months of this study’s adoption.

Principal Analyst Darren McBain presented the staff report and answered Commissioner questions.

There were comments from Commissioners Leffel, Root Askew, Oglesby and Velazquez.

There were public comments from Ida Lopez Chan, CEO, Soledad Community Health Care District.

Commissioner Actions:

Commissioner Leffel made a motion, seconded by Commissioner Oglesby, that the Commission adopt a resolution, per the staff recommendation, with the following change: that the recommended action, under section 7 (d) of the resolution for the Soledad Cemetery District, be changed to adjust the timeframe from 12 months to six months.

After further Commission discussion, Commissioner Adams made a substitute motion to adopt the resolution as presented by staff with no changes to the existing timeline. The substitute motion was seconded by Commissioner Gourley.

Executive Officer McKenna clarified that staff’s recommended timeline would be within six to twelve months instead of approximately twelve months under section 7 (d) of the resolution

Commissioner Adams amended her substitute motion to change section 7 (d) of the resolution to adjust the timeframe from approximately twelve months to between six to twelve months.

Commissioner Gourley to the amended substitute motion. as recommended staff for the Commission.

The substitute motion passed with the added clarification that the County Board of Supervisors may change the termination timeline between 6 to 12 months of the study’s adoption.

The Substitute Motion Carried (Roll Call Vote):

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

Executive Officer's Communications

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

8. Communications.

- a. Update on Greenfield-Area Special Districts
(CEQA: Not a Project under California Environmental Quality Act Guidelines Section 15378).

Executive Officer McKenna presented the report.

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.

None.

Public Comments on Closed Session Item

There were no public comments on closed session item.

Commissioner Oglesby recused from the Closed Session Item #9.

Commissioner Adams recused from the Closed Session Item #9.

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 3:50 p.m.

Closed Session

9. 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 4:10 p.m.

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 4:15 p.m.

The next Regular LAFCO Meeting scheduled for Monday, August 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.