

KATE McKENNA, AICP
Executive Officer

**MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**

Adopted on December 1, 2008

*An audio recording of this meeting is available at the LAFCO office. Please contact us
at (831) 754-5838 to arrange a time to listen or to order a copy.*

Regular Meeting

Monday, October 27, 2008, 4:00 p.m.

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order, by Chair DiMaggio at 4:05 p.m. in the Monterey County Board of Supervisors Chambers. Chair Donohue led the Pledge of Allegiance.

ROLL CALL

Members Present

Commissioner Donohue, Chair (*City Member*)

Commissioner Salinas, Vice-Chair (*County Member*)

Commissioner Calcagno (*County Member*)

Commissioner Champion (*Special District Member*) – First Meeting as a LAFCO Commissioner

Commissioner DiMaggio (*Public Member*)

Commissioner Gourley, Alternate (*City Member*)

Commissioner Perkins (*Special District Member*)

Members Not Present, Presence Not Required

Commissioner Armenta, Alternate (*County Member*)

Commissioner Darington, Alternate (*Public Member*)

Members Not Present

Commissioner McGowan (*Special District Member*)

Commissioner Rubio (*City Member*)

Staff Present

Kate McKenna, AICP, Executive Officer

Thom McCue, AICP, Senior Analyst

Leslie Girard, LAFCO General Counsel

Richard Egger, LAFCO Special Counsel – Via Telephone for Closed Session

Rachelle Jones, LAFCO Clerk

Item 4: Minutes

4.a Approval of Minutes of the September 22, 2008 Regular LAFCO Meeting.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Salinas, seconded by Commissioner Perkins, minutes of the September 22, 2008 regular LAFCO meeting, were unanimously approved.

Item 5: Special Business

5.a Consider Resolution of Appreciation for Commissioner Anne D. McGowan.

Executive Officer McKenna provided report.

There was no public comment for this item.

Commissioner Comment and Action

The Commission spoke about the valuable Special District representation that Commissioner McGowan provided and said that she will be missed.

Upon Motion of Commissioner Gourley, seconded by Chair Donohue, there being no objection, Resolution of Appreciation for Commissioner Anne D. McGowan was unanimously approved.

5.b Consideration of a Resolution Declaring the October 1 Election Results for a Regular Independent Special District Member on LAFCO for a Term Ending in May of 2012.

Executive Officer McKenna provided report.

There was no public or Commission comment for this item.

Commissioner Action

Upon Motion of Commissioner Gourley, seconded by Commissioner Perkins, Resolution Declaring the October 1 Election Results for a Regular Independent Special District Member (Don Champion, Ph.D.) on LAFCO for a Term Ending in May of 2012, was unanimously approved.

**5.c Oath of Office by Commissioner Don Champion, Ph.D.
(Administered by Chair Donohue)**

Newly elected Regular Special District Member on LAFCO, Don Champion, Ph.D., was administered the Oath of Office by Chair Donohue. Commissioner Champion affirmed the oath.

Item 6: Public Comment:

Bill Carrothers of Salinas questioned the economic validity of projects that are being considered by LAFCO.

Item 7: Commissioner Comment:

Chair Donohue suggested that all policy considerations be made with a long view, in response to Mr. Carrothers comments.

Item 8 (a-c): Consent Agenda:

There were no public or Commission comments for this item.

Upon Motion of Commissioner Calcagno, seconded by Commissioner Perkins, Consent Agenda Items (a-c): Register of Checks Paid in September 2008, Legislation Status Report, List of Anticipated Future Agenda Items, were unanimously approved.

Item 9: Public Hearing

9.a Continued Consideration of the Proposed “Cornnuts Annexation” Involving the Annexation of Approximately 52.49 Acres to the City of Greenfield and the Detachment of This Area from the Resource Conservation District of Monterey County. The Area, Northwest of Central Greenfield, is Roughly Bounded by Cherry Avenue on the North, Walnut Avenue on the South, 10th Street on the East, and 12th Street on the West. The Area Includes Two Agricultural-Related Industrial Facilities (Cornnuts/Kraft Foods and Bolthouse Farms) and the Proposed “Monte Verde” and “Las Brisas” subdivisions. (LAFCO File 08-03)

Senior Analyst McCue provided staff report.

Chair Donohue opened this item for public comment.

Public Comment

Roger Whitney questioned the approval process for proposed Cornnuts annexation. Senior Analyst McCue explained that the item is scheduled to be brought to a protest hearing at the regular LAFCO meeting to be held on December 1, following approval of the annexation. Mr. Whitney continued his comment and requested that the ten acre parcel: APN #109-117-001 known as the Lovelace property, be excluded from the annexation area as recommended by staff.

Chair Donohue closed this item to public comment.

Commission Comment and Action

Commission commented on and provided no opposition to exclusion of the ten acre parcel: APN #109-117-001. They also questioned potential impacts relating to this project.

Brent Slama, Community Development Director for the City of Greenfield, deferred to Michael McCormick of Pacific Municipal Consultants to provide comments regarding potential impacts relating to this project.

Upon Motion of Commissioner Gourley, seconded by Commissioner Salinas, Resolutions adopting findings of fact and a statement of overriding considerations in reliance on the Environmental Impact Report for the Cornnuts Annexation Project, and approval with conditions, the Cornnuts annexation project involving the annexation of approximately 52.49 acres to the City of Greenfield and the detachment of this area from the Resource Conservation District of Monterey County excluding the ten acre parcel: APN #109-117-001 (*LAFCO File 08-03*), were unanimously adopted.

Item 10: Old Business

10.a Consider Status Report on the Carmel Valley Incorporation Proposal and Provide any Appropriate Direction to Staff. (*LAFCO File No. 03-10*)

- (1) Discussion on Extending the Public Hearing Date(s) Beyond December 1, 2008 and**
- (2) Discussion on Schedule of Public Hearing Date(s).**

Executive Officer McKenna provided staff report. Based on General Counsel Girard's recommendation she suggested not scheduling a meeting on the Proposal to Incorporate the Town of Carmel Valley following the December 1 meeting, but rather to schedule a special meeting on Tuesday, November 25 at 4:00 p.m. Counsel Girard explained that the settlement agreement requires prior agreement from the Carmel Valley Forum before extending the decision on the Proposal to Incorporate the Town of Carmel Valley.

There was no public comment for this item.

Commissioner Comments and Action

Commission discussed holding a special meeting on Tuesday, November 25 for a public hearing on the Proposal to Incorporate the Town of Carmel Valley.

Upon Motion of Commissioner Salinas, seconded by Commissioner Perkins, Special meeting on Tuesday, November 25 for a public hearing on the Proposal to Incorporate the Town of Carmel Valley, was unanimously approved.

Item 11: New Business

11.a Consider Appointment to the LAFCO Budget and Finance Committee.

Chair Donohue announced his appointment of Commissioner Tom Perkins, LAFCO Special District Member, to the LAFCO Budget and Finance Committee.

Item 12: Executive Officer's Report

There were no additional items to report.

Item 13: Correspondence

Executive Officer McKenna reported on the following items of correspondence that were received by the LAFCO office following distribution of this meeting's agenda packet and prior to the meeting day.

- (1) Letter to LAFCO Administrative Secretary Confidential Rachelle Jones – Invitation to join Ph-Theta- Kappa Honor Society
- (2) Hand-outs from Mr. Bill Carrothers of Salinas relating to comments he made during public comment period.

Item 14: Closed Session

14.a Pursuant to Government Code Section 54956.9 (b) – Significant Exposure to Litigation

The Commission Conferred with General Counsel Regarding One Matter Involving a Significant Exposure to Litigation.

The meeting was called into closed session by Chair Donohue.

Chair Donohue reconvened the meeting from closed session with no reportable action taken during closed session.

Item 15: Adjournment

On motion of Chair Donohue, there being no objection, the meeting was unanimously adjourned at 5:10 p.m. to a Special LAFCO Meeting to be held to be held on Tuesday, November 25, 2008 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk