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LAFCO of Monterey County

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LOCAL AGENCY FORMATION COMMISSION  
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REGISTRAR OF VOTERS  
MONTEREY COUNTY

KATE McKENNA, AICP  
Executive Officer

June 2, 2009

Louis R. Calcagno, Chair  
Monterey County Board of Supervisors  
168 West Alisal Street  
Salinas, CA 93901

RE: Request to Set an Election to: 1) Ratify the Proposed Incorporation of the Town of Carmel Valley; 2) Elect an Initial Town Council Pending the Incorporation's Ratification, and 3) Determine Whether Future Elections of the Town Council Shall be Conducted under an At Large or By District System.

Dear Chair Calcagno and Members of the Board of Supervisors:

As directed by the Local Agency Formation Commission (LAFCO) of Monterey County, I am writing to request that the Board of Supervisors of the County of Monterey set an election to:

- 1) Ratify the proposed incorporation of the Town of Carmel Valley;
- 2) Elect an initial Town Council pending the incorporation's ratification, and
- 3) Determine whether future elections of the Town Council shall be conducted under an at large or by district system.

The Local Agency Formation Commission approved the proposed incorporation, subject to voter ratification, with the adoption of Resolution 08-27 on December 1, 2008. A copy of LAFCO Resolution 08-27 is enclosed for your reference; Exhibit A of the resolution contains a map of the area proposed for the election. Certain conditions were imposed on the proposed incorporation that must be accomplished prior to the setting of an election. All such conditions have been accomplished including a reconsideration process, acceptance of the proposed Town boundary maps and description by the State Lands Commission and the Monterey County Registrar of Voters, pre-clearance by the United States Department of Justice, and approval by the State Lands Commission of the boundaries and consent to the inclusion of sovereign Carmel River lands as part of the incorporation.

Having accomplished all prerequisite conditions, it is now my duty under Section 5 of LAFCO Resolution 08-27 to request that the Board of Supervisors set an election to ratify the

incorporation, elect an initial Town Council, and determine the system for future elections of the Town Council. We have consulted with the County Administrative Office and the County Elections Office to ensure consistency of this request with State law and County procedures. Pursuant to Government Code Section 57000(e)(2), the Board of Supervisors has the authority to fix the election date. November 3, 2009 is the next available general election date and the date anticipated by the applicant for incorporation, Carmel Valley Forum, Inc. The Board of Supervisors, however, has the authority to set a different date.

The Local Agency Formation Commission requests the following wording for the first and third ballot measures to be presented to the Carmel Valley electorate:

- *“Shall the order adopted on December 1, 2008, by the Local Agency Formation Commission of Monterey County ordering the incorporation of the territory described in the order and designated in the order as the “Proposal to Incorporate the Town of Carmel Valley” (LAFCO File No. 03-10) be confirmed subject to the terms and conditions specified in the order?”*

and

- *“Shall members of the Town Council of the Town of Carmel Valley in future elections be elected at large or by district?”*
  - *At large \_\_\_\_\_, or*
  - *By district \_\_\_\_\_”*

We request that the wording for the second ballot measure, the election of a Town Council pending the incorporation’s ratification, be prepared by the County Registrar of Voters in accordance with the standard practice of the Elections Office and the requirements of the State Election Code. Pursuant to Resolution 08-27, the Town Council shall initially consist of five members elected at-large, each of whom are qualified electors within the boundaries of the new Town. Following incorporation, the three members of the Town Council who receive the lowest number of votes in the incorporation election shall hold office until the first municipal election is held in November of 2012. The remaining two members of the Town Council shall hold office until the second municipal election is held in November of 2014. If voters approve the implementation of district elections for the Town Council, these terms would be shortened pursuant to Resolution 08-27 and Government Code Section 57378 to allow for district elections.

In anticipation of an election, and in accordance with Government Code Section 56898, the Local Agency Formation Commission will consider the draft text of the impartial analysis for the first ballot measure outlined above (relating to incorporation) at its next regular meeting on June 22, 2009. The approved impartial analysis will be provided to the County Registrar of Voters to be included in the voter information pamphlet. LAFCO Resolution 08-27 will be an attachment to the published impartial analysis.

Thank you for your consideration of this request. Please contact me if you have any questions or require more information.

Sincerely,

A handwritten signature in cursive script that reads "Kate McKenna". The signature is written in black ink and is positioned above the typed name.

Kate McKenna, AICP  
Executive Officer

Enclosure: LAFCO Resolution 08-27

cc: Chair Dennis Donohue and Members of the Local Agency Formation Commission  
Lew Bauman, County Administrative Officer, County of Monterey  
Linda Tulett, Registrar of Voters, County of Monterey  
Charles McKee, County Counsel, County of Monterey  
Max Chaplin, President, Carmel Valley Forum