



**SAN LUIS OBISPO  
LOCAL AGENCY FORMATION COMMISSION  
NOVEMBER 15, 2018**

**Call to Order:**

The San Luis Obispo Local Agency Formation Commission meeting was called to order at 9:00 a.m. on Thursday, November 15, 2018 in the Board of Supervisors Chambers at the County Government Center in San Luis Obispo, California by Chairman Ed Waage.

**Pledge of Allegiance:** Led by Chairman Waage

**Roll Call:**

**Present:** Chairman Ed Waage, Vice-Chair Lynn Compton, Commissioners Debbie Arnold, Robert Enns, Roberta Fonzi, Tom Murray, Marshall Ochylski and Alternate Commissioners Ed Eby and Heather Jensen

**Absent:** Alternate Commissioners Adam Hill, Jamie Irons

**Staff:** David Church, LAFCO Executive Officer  
Brian Pierik, LAFCO Legal Counsel  
Mike Prater, Deputy Executive Officer  
Donna J. Bloyd, LAFCO Commission Clerk

**Approval of Minutes:** **Commissioner Fonzi** moved approval of the Minutes for October 18, 2018 with corrections. **Commissioner Murray** seconded the motion.

The motion was approved by a unanimous voice vote, with **Commissioner Ochylski** abstaining.

**Non-Agenda Public Comments:**

**Edward Veek**, Atascadero. Mr. Veek spoke about the U.S. Constitution.

**Consent Agenda:**

**A-1:** Approval of an Outside User Agreement to provide sewer collection services from the City of Arroyo Grande to a three-unit residential project in the City of Grover Beach

**A-2:** Approval of an Agreement with legal firm of Burke, Williams and Sorensen for legal services to be provided by Brian Pierik.

**Public Comment:** None

**Commissioner Ochylski** moved to approve the Consent Agenda. The motion was seconded by **Vice-Chair Compton**.

**AYES:** Commissioner Ochylski, Vice-Chair Compton, Commissioners Arnold, Enns, Fonzi Murray, Ochylski, and Chairman Waage

NAYS: None

ABSTAINING: None

The motion was approved by a unanimous roll call vote.

**Chairman Waage** welcomed new **LAFCO Legal Counsel, Brian Pierik**, to introduce himself and give a brief summary of his experience.

**Attorney Pierik** spoke about his experience and background.

**Regular Matters:**

**B-1:** Condition Compliance Report for the Estrella-El Pomar-Creston Water District Formation. LAFCO File # 4-R-16.

**LAFCO Executive Officer, David Church**, presented this item, and provided a PowerPoint presentation.

Mr. Church summarized the Sustainable Groundwater Management Act which became law on January 1, 2015, and gave an overview of the item. The purpose was to review Condition Compliance for forming the EPC Water District (EPCWD). He also indicated that the EPCWD included only landowners who wanted to be included in the district.

Mr. Church indicated that the EPC had been formed in December 2017 and was approved with 13 conditions of approval. Condition 11 was the focus that required the EPC to become a GSA or GSA partner. It was explained that the term "GSA Partner" was created to allow the EPC to meet Condition 11 without formally becoming a GSA.

Mr. Church summarized the documentation that had been submitted by the EPC. He also indicated that he had contacted other agencies in the Basin regarding the EPCWD's participation in the SGMA planning process.

Mr. Church ended his discussion by recommending three options to the Commission for consideration in this matter.

**Commission Discussion:**

The Commissioners discussed various topics regarding the conditions of approval, specifically: Condition 11; the history of governance in the Paso Robles basin; the undefined term of "GSA Partner"; the Memorandum of Agreement between the Groundwater Sustainability Agencies in the Paso Robles basin; and other related topics. Commissioners posed questions and made comments regarding the condition compliance report.

**Staff Responses:**

Throughout the discussion Mr. Church and Mr. Pierik responded to a number of questions and comments made by the Commissioners. Ms. Courtney Howard of the County Public Works Department arrived upon request from the Commission. Ms. Howard answered questions about the Memorandum of Agreement between the GSA is in the Paso Robles basin.

**District Presentation:**

**Dana Merrill**, President of the EPC, provided the Commission with background information about the EPCWD activities. Mr. Merrill responded to the Commissioners' comments and discussion.

**Mr. Merrill** introduced **Paul Sorensen** who spoke about EPCWD efforts to comply with the Conditions of Approval.

**Paul Sorensen**, Consultant for the EPCWD and GSI Water Solutions. Mr. Sorensen summarized his credentials, the need to address the data gaps in the Paso Robles Basin, and the EPCWD's role in the process.

**Commissioner Murray** asked about available data in terms of the status of the Paso Robles Basin.

**Mr. Sorensen** indicated that there many studies that have been completed, but there is more work to be done.

At 10:48 **Chairman Waage** called for a five-minute break at the request of **Commissioner Ochylski**.

At 10:58 **Chairman Waage** called the meeting back into order.

**Public Comment:**

**Greg Grewal**, Creston, CA. Mr. Grewal expressed his opposition to approving the condition compliance report.

**Herb Rowland**, 5595 Creston Road, Paso Robles, CA 93446. Mr. Rowland is a board member of the EPCWD and indicates that the EPCWD has complied with the LAFCO conditions of approval.

**Hilary Graves**, P.O. Box 577, Creston, CA 93432. Ms. Graves is the Secretary to the EPC board. Ms. Graves indicates that the EPCWD has complied with the LAFCO conditions of approval.

**John Tubb**, 1640 Circle B Road, Paso Robles, CA 93446. Mr. Tubb is a landowner and a member of the EPC. He agreed with Ms. Graves and Mr. Rowland.

**James Green**, San Luis Obispo County Farm Bureau. Mr. Green said "ditto" to Ms. Graves and Mr. Rowland.

**Willy Cunha**, Shandon-San Juan Water District. Mr. Cunha indicates that the EPCWD has complied with the LAFCO conditions of approval.

**Dennis Loucks**. Mr. Loucks expressed his opposition to approving the condition compliance report. He also questioned the formation process.

**Patricia Wilmore**, 915 Santa Rita Road, Templeton, CA 93432. Ms. Wilmore is in agreement with approving the condition compliance report and asked the Commission to approve Alternative Two found in the Staff Report.

**Edward Veek**. Mr. Veek is opposed to approving the condition compliance report.

**Steve Sinton**: Director of the Shandon-San Juan Water District. Mr. Sinton indicates that the EPCWD has complied with the LAFCO conditions of approval.

**Randy Diffenbaugh**. Mr. Diffenbaugh indicates that the EPCWD has complied with the LAFCO conditions of approval.

**Matt Merrill**. Mr. Merrill stated that the LAFCO conditions have been met and indicates that the EPCWD has complied with the LAFCO conditions of approval.

### **Close Public Comment**

**Mr. Church** addressed the question about the two-mile allowance in defining a non-contiguous boundary.

**Commissioner Arnold** moved to opt for Alternative one in the Staff Report: “extend the approval for a period of time (two years) and require a condition compliance report”.

**Vice-Chair Compton** seconded the motion.

**Commissioner Murray** indicated that he would not support the motion.

**Vice-Chair Compton** indicated that she would support the motion.

**Commissioner Enns** indicated that he would not support the motion.

**Commissioner Ochylski** indicated that he would not support the motion.

**Commissioner Fonzi** indicated that she would support Commissioner Arnold’s motion.

There was discussion between LAFCO Staff and the Commissioners covering the following topics; Compliance with Condition11, the possibility of revising conditions of approval, and clarification of the term “GSA Partner” and additional information about the Memorandum of Agreement between the Groundwater Sustainability Agencies in the Basin.

LAFCO Staff clarified that the Commission wanted more information about the possibility of modifying or deleting previously approved condition 11, clarification of the term “GSA Partner” and the implementation of the Memorandum of Agreement between the Groundwater Sustainability Agencies in the Paso Basin.

AYES: Commissioner Arnold, Vice-Chair Compton, Commissioners Fonzi, and Chairman Waage

NAYS: Commissioners Enns, Murray and Ochylski

ABSTAINING: None

The motion was approved with a four to three roll call vote.

**Informational Matters**

**C-1:** Status Report regarding SB 1215: Provision of Sewer Service to Disadvantaged Communities as required by Regional Water Quality Control Boards

**Mr. Church** presented this item and began by summarizing the new bill signed into law, which allows regional water quality control boards to require a city, special district or county to provide sewer service to disadvantaged communities with failing onsite sewer/septic systems.

Mr. Church added that SB 1215 provides that where a disadvantaged community or its residents are served by one or more inadequate onsite sewage treatment systems, the regional board may order the provision of sewer service.

There were comments and discussion from Commissioners and Staff.

**Public Comment:** None

**Commissioner Comments:** **Commissioner Ochylski** thanked the Commission for respecting the opinion of others, for coming up with a solution to Item B-1.

**Legal Counsel Comments:** **Mr. Pierik** thanked the Commission for their trust in him and stated that he looked forward to working with the Commission.

**Executive Officer Comments:** None

**Adjournment:** With no further business before the Commission, the meeting adjourned at 12:06 a.m. until the next meeting of the Commission in the Board of Supervisors Chambers at the County Government Center in San Luis Obispo.

**THESE MINUTES ARE NOT OFFICIAL NOR ARE THEY A PERMANENT PART OF THE RECORD UNTIL THEY ARE APPROVED BY LAFCO COMMISSIONERS AT THE NEXT REGULAR MEETING.**

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Respectfully submitted,  
Donna J. Bloyd, LAFCO Commission Clerk