



**SAN LUIS OBISPO
LOCAL AGENCY FORMATION COMMISSION
APRIL 15, 2021, MEETING MINUTES**

Call to Order

The San Luis Obispo Local Agency Formation Commission (LAFCO) meeting was called to order at 9:01 a.m. on Thursday, April 15, 2021, pursuant to the COVID-19 provisions of the Governor's Executive Order N-29-20 by Chairperson Robert Enns. Viewing and commenting instructions were provided on the COVID-19 Agenda Cover and LAFCO's Website Homepage.

Roll Call

Present: Chairperson Robert Enns, Vice-Chair Ed Waage, Commissioners Debbie Arnold, Lynn Compton, Steve Gregory, Tom Murray, Marshall Ochylski and Alternate Commissioners Ed Eby and Heather Jensen.

Absent: Alternate Commissioner Charles Bourbeau and John Peschong.

Staff: David Church, LAFCO Interim Executive Officer
Brian Pierik, LAFCO Legal Counsel
Imelda Marquez, LAFCO Analyst

Approval of Minutes

Chairperson Enns announced the consideration of approval for the March 18, 2021, and March 25, 2021, Meeting Minutes.

Chairperson Enns asked for public comments before opening the discussion to the Commission.

Ms. Marquez reported that no public comments were received and no one attending the meeting wished to comment.

Chairperson Enns asked for a motion to approve the Meeting Minutes.

Commissioner Waage motioned to approve the minutes.

Commissioner Gregory seconded the motion.

AYES: Commissioners Waage, Gregory, Arnold, Compton, Murray, Ochylski, and Chairperson Enns

NAYS: None

ABSTAINING: None

The motion was passed with a unanimous roll call vote.

Non-Agenda Public Comments

Chairperson Enns asked Ms. Marquez to report if any written or live non-agenda public comment requests were received.

Ms. Marquez reported that no public comments were received and no one attending the

meeting wished to comment.

Consent Agenda

A-1: Third Quarter Fiscal Year 2020-2021 LAFCO Budget Status Report (Recommend Review and Direct Interim Executive Officer to submit to the County Auditor)

Chairperson Enns asked Ms. Marquez to report if any written or live public comment requests were received.

Ms. Marquez reported that no public comments were received and no one attending the meeting wished to comment.

Chairperson Enns asked for any Commissioner questions or a motion.

Commissioner Murray asked about the financial audit process.

Mr. Church clarified that this matter could be included into the budget discussion.

Commissioner Murray agreed to move his comment to the budget item and proceeded to make a motion to approve the Consent Agenda.

Commissioner Waage seconded the motion.

AYES: Commissioners Murray, Waage, Arnold, Compton, Gregory, Ochylski, and Chairperson Enns

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

Regular Matters

B-1: Employment Contract between the San Luis Obispo Local Agency Formation Commission and Robert Fitzroy (Recommend Review and Approval)

Mr. Pierik presented the item.

Chairperson Enns opened the item for Commissioner comments or questions.

Commissioner Murray asked a general question about severance pay with high level Executive positions.

Mr. Pierik clarified that severance is offered in the contract for six months' pay in salary, in the case that the contract is terminated by either party. Additionally, Mr. Pierik added that the six-month time period is a standard time frame.

Commissioner Murray asked for additional clarification on whether the six-month severance could be provided to the employee under any circumstance.

Mr. Pierik said that severance would only be payable if the termination is by convivence and not by cause.

Chairperson Enns asked for any other Commissioner questions, hearing none he asked Ms. Marquez to report if any written or live comments from the public were received.

Ms. Marquez reported that there was no submitted comments and one live public comment request.

Mike Prater congratulated and welcomed Rob Fitzroy to the LAFCO.

Chairperson Enns thanked Mr. Prater for his comments and continued by closing public comment.

Chairperson Enns asked for any Commissioner questions or a motion.

Commissioner Ochylski made a motion to approve staff recommendation.

Commissioner Compton seconded the motion.

AYES: Commissioners Ochylski, Compton, Arnold, Gregory, Murray, Waage, and Chairperson Enns

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

B-2: Proposed LAFCO Budget for Fiscal Year 2021-22 (Recommend Review and Approval)

Mr. Church presented the item.

Chairperson Enns opened the item for Commissioner comments.

Commissioner Murray discussed the idea of incorporating an audit in the next fiscal year.

Commissioner Waage suggested deferring the discussion to the following year.

Chairperson Enns asked Ms. Marquez to report if any written or live public comment requests were received.

Ms. Marquez reported that no public comments were received and no one attending the meeting wished to comment.

Chairperson Enns asked for a motion from the Commission.

Commissioner Arnold made a motion to approve staff recommendation.

Commissioner Waage seconded the motion.

AYES: Commissioners Arnold, Waage, Compton, Gregory, Murray, Ochylski, and Chairperson Enns

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

B-3: Amendment to Temporary Employment Agreement between the San Luis Obispo Local Agency Formation Commission and David Church (Recommend Review and Approval)

Mr. Pierik presented the item.

Chairperson Enns opened the item for Commissioner comments, hearing none.

Chairperson Enns asked Ms. Marquez to report if any written or live public comment requests were received.

Ms. Marquez reported that no public comments were received and no one attending the meeting wished to comment.

Chairperson Enns asked for additional comments or a motion from the Commission.

Commissioner Ochylski made a motion to approve staff recommendation.

Commissioner Waage seconded the motion.

AYES: Commissioners Ochylski, Waage, Arnold, Compton, Gregory, Murray, and Chairperson Enns

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

Mr. Church announced that item C-1 would be moved up and item B-4 would be pushed to the end.

C-1: Status Report of Submitted Proposals and Upcoming Proposal Activities (Recommend Receive and File)

Ms. Marquez presented the item.

Chairperson Enns commented on one of the projects.

Chairperson Enns opened the item for Commissioner comments, hearing none.

Chairperson Enns asked Ms. Marquez to report if any written or live public comment requests were received.

Ms. Marquez reported that no public comments were received and no one attending the meeting wished to comment.

Chairperson Enns announced that the item was received and filed and announced that the Commission would be returning to Regular Item B-4.

B-4: Request for Amicus Support by the San Luis Obispo Local Agency Formation Commission, regarding the City of Pismo Beach, et. al. Superior Court Case No. CV130383; 2d Civ. No. B296968 (Recommend Review and Approval)

Commissioner Waage announced that he would be recusing himself from this item because he had a conflict of interest.

Mr. Pireik presented the item.

Chairperson Enns asked Ms. Marquez to report if any written or live public comment requests were received.

Ms. Marquez reported that no public comments were received and no one attending the meeting wished to comment.

Chairperson Enns asked for a motion from the Commission.

Commissioner Murray made a motion to approve staff recommendation.

Commissioner Enns seconded the motion.

AYES: Commissioners Murray, Chairperson Enns, Commissioner Arnold, Compton, Gregory, and Ochylski

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

Jim Wagoner, SDRMA Representative, was briefed on the action and announced updates on amicus support letters.

Commissioner Comments: None

Legal Counsel Comments: None

Executive Officer Comments: Updated the Commission on in person meetings.

Adjournment: With no further business before the Commission, the meeting adjourned at 9:48 a.m. until the next meeting of the Commission pursuant to Governor's Executive Orders, depending upon the progression of the COVID-19 pandemic.

Respectfully submitted,
Imelda Marquez, LAFCO Analyst