



**SAN LUIS OBISPO
LOCAL AGENCY FORMATION COMMISSION
NOVEMBER 19, 2020, MEETING MINUTES**

Call to Order

The San Luis Obispo Local Agency Formation Commission (LAFCO) meeting was called to order at 9:02 a.m. on Thursday, November 19, 2020, pursuant to the COVID-19 provisions of the Governor's Executive Order N-29-20 by Chairperson Tom Murray. Viewing and commenting instructions were provided on the COVID-19 Agenda Cover and LAFCO's Website Homepage.

Roll Call

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

Absent: Commissioner Roberta Fonzi, Alternate Commissioners Steve Gregory and John Peschong.

Staff: Mike Prater, LAFCO Executive Officer
Brian Pierik, LAFCO Legal Counsel
Imelda Marquez, LAFCO Analyst

Approval of Minutes

Chairperson Murray asked **Ms. Marquez** to report if any written or live comments from the public were received.

Ms. Marquez reported that no public comments were received.

Chairperson Murray asked for any Commissioner comments or motion to approve the October 15, 2020, and the October 23, 2020, Special Meeting Minutes.

Commissioner Waage motioned to approve the minutes.

Commissioner Enns seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

Non-Agenda Public Comments

Chairperson Murray asked **Ms. Marquez** to report if any written or live non-agenda public comments were received.

Ms. Marquez reported that there were no submitted written comments and one live public comment request and proceeded to allow the public member to speak for three minutes.

Hank Krzciuk, San Simeon Community Service District (CSD) resident, proceeded to share his viewpoint on how operations should be handled in San Simeon CSD.

Ms. Marquez reported that there were no additional non-agenda public comment requests.

Consent Agenda

A-1: CalPERS approval for Health Benefits Program for SLOLAFCO (Recommend Approval)

Mr. Prater presented the item.

Chairperson Murray asked **Ms. Marquez** to report if any written or live comments from the public were received.

Ms. Marquez reported that no public comments were received.

Chairperson Murray opened the item for Commissioner comments.

Commissioner Enns asked for clarification on what LAFCO's permeant coverage would be and an explanation for the annuitant employer contribution.

Mr. Pierik and **Mr. Prater** responded to Commissioner Enns questions. Mr. Pierik indicated he would do research and follow up on the annuitant question.

Commissioner Ochylski motioned to approve staff recommendation.

Commissioner Waage seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

Regular Matters

B-1: Activation of Solid Waste Power for the San Simeon Community Services District LAFCO File No. 1-E-20 (Recommend Conditional Approval)

Mr. Prater presented the item.

Chairperson Murray opened the item for Commissioner comments or questions.

Commissioner Enns asked for additional background information that may change Commissioners stance in this proposal.

Mr. Prater addressed **Commissioner Enns** question and its relation to the public comment that was received earlier in the meeting.

Chairperson Murray asked **Ms. Marquez** to report if any written or live comments from the public were received.

Ms. Marquez reported that there was no submitted written comments and two live public comment requests.

Pam Ricci, Planner representing San Simeon CSD, expressed support for the project including the projects terms and conditions.

Commissioner Enns followed up with a question to clarify whether there is a conflict of interest between San Simeon CSD Staff and the project proposal to activate solid waste power.

Chairperson Murray asked if there is a procedure in place for larger operations that can help the CSD have leverage in time of negotiation.

Cortney Murguia, San Simeon CSD Staff Member, clarified that there is no conflict of interest in regards to activating solid waste power, followed by addressing **Chairperson Murray's** question.

Chairperson Murray asked if there were any other members of the public wishing to speak.

Hank Krzciuk, San Simeon CSD resident, added to the previous discussion on a possible conflict of interest.

Gwen Kellas, San Simeon CSD resident, concluded public comment by expressing to the Commission that she and many of her neighbors are supportive of the way the district is managed.

Chairperson Murray asked for any Commissioner comments or motion.

Commissioner Ochylski expressed support for the proposal and continued to speak of his experience as a Los Osos CSD board member and their experience with having solid waste power.

Commissioner Ochylski made a motion to approve staff recommendation.

Commissioner Waage seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

B-2: Annexation #81 to the City of San Luis Obispo (Fiero East-West Areas) LAFCO File No. 1-R-20 (Recommend Conditional Approval)

Mr. Prater presented the item.

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

Chairperson Murray asked **Ms. Marquez** to report if any written or live comments from the public were received.

Ms. Marquez reported that there was no submitted written comments and three live comment requests.

Teresa McClish, City of San Luis Obispo Community Development Department, reiterated **Mr. Prater's** presentation and supported staff recommendation.

Rob Miller, Manager of Fiero Lane Water Company, introduced himself and expressed his gratitude for the work that has been put towards this project ending with making himself available for questions.

Carol Florence, Planner representing the East side of the annexation, summarized some of the project background and supported the annexation.

Chairperson Murray asked for any Commissioner's comments or questions.

Commissioner Enns asked **Mrs. McClish** to elaborate on additional resources that may be needed for the vacant lots.

Chairperson Murray had questions about the property tax agreement.

Teresa McClish and **Michael Cordon** answered Commissioner questions.

Commissioner Arnold made a motion to approve the environmental documents.

Commissioner Enns seconded the motion.

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

NAYS: None

ABSTAINING: None

Commissioner Enns made a motion to approve staff recommendation on the annexation proposal.

Commissioner Waage seconded the motion.

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

NAYS: None

ABSTAINING: None

Both motions were passed with a unanimous roll call vote.

B-3: Annexation #11 to County Service Area No. 18 Country Club (Jack Ranch - Tract 2429)
LAFCO File No. 2-R-20 (Recommend Conditional Approval)

Mr. Prater announced his conflict of interest with the project and stepped out of the meeting, leaving the item to **Ms. Marquez**.

Ms. Marquez presented the item.

Chairperson Murray asked for any Commissioner's comments or questions.

Commissioner Enns asked for clarification on the area being annexed into the County Service Area 18 and the services that it would provide.

Chairperson Murray asked about LAFCO's involvement in an annexation from the county to a county service area.

Mr. Pierik and **Ms. Marquez** answered the questions that were presented.

Chairperson Murray asked **Ms. Marquez** to report if any written or live comments from the public were received.

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

Rob Miller, Applicants Civil Engineer, spoke to express his support for the project and conditions as written.

Chairperson Murray asked for any additional comments from the Commission or a motion to approve.

Commissioner Arnold motioned to approve the environmental exemption.

Commissioner Compton seconded the motion.

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

NAYS: None

ABSTAINING: None

Commissioner Arnold motioned to approve part two of staff recommendation.

Commissioner Compton seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

B-4: Agreement for Temporary Employment between the San Luis Obispo Local Agency Formation Commission and David Church for Interim Executive Officer services (Recommend Review and Approval)

Mr. Pierik presented the item.

Chairperson Murray asked for any Commissioner's comments or questions, hearing none.

Chairperson Murray asked **Mr. Church** if he would like to say anything.

Mr. Church congratulated **Mr. Prater** and thanked the Commission for the opportunity.

Chairperson Murray asked **Ms. Marquez** to report if any written or live comments from the public were received.

Ms. Marquez reported that no public comments were received.

Commissioner Ochylski motioned to approve the item.

Commissioner Arnold seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

Informational Matters

C-1: Receive for Information Purposes proposal LAFCO File No. 4-R-20 - For the Torres Annexation to Nipomo Community Services District (Recommend Receive and File)

Mr. Prater presented the item.

Chairperson Murray asked for any Commissioner's comments or questions, hearing none.

Chairperson Murray asked **Ms. Marquez** to report if any written or live comments from the public were received.

Ms. Marquez reported that no public comments were received.

Chairperson Murray directed to receive and file the information presented.

Commissioner Comments:

Commissioners thanked **Mr. Prater** and **Commissioner Roberta Fonzi** for their many years of service and continued by welcoming **Mr. Church**.

Commissioners discussed having a presentation item at the next meeting to recognize **Roberta Fonzi** and **Mike Prater**.

Legal Counsel Comments:

None

Executive Officer Comments:

Mr. Prater announced that this was his last meeting and thanked everyone for the well wishes.

Adjournment: With no further business before the Commission, the meeting adjourned at 10:41 a.m. until the next meeting of the Commission pursuant to Governor's Executive Orders, depending upon the progression of the COVID-19 pandemic.

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.

Respectfully submitted,
Imelda Marquez, LAFCO Analyst