



**SAN LUIS OBISPO
LOCAL AGENCY FORMATION COMMISSION
FEBRUARY 21, 2019**

Call to Order:

The San Luis Obispo February 21, 2019 in the Board of Supervisors Chambers at the County Government Center in San Luis Obispo, California by Chairperson Lynn Compton.

Pledge of Allegiance

Roll Call:

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

Absent: Alternate Commissioners Ed Eby and John Peschong

Staff: David Church, LAFCO Executive Officer
Brian A. Pierik, LAFCO Legal Counsel
Mike Prater, Deputy Executive Officer
Annette Ramirez, County Clerk

January 17, 2019 Minutes Correction:

Commissioner Fonzi moved approval of the Minutes for January 17, 2019 with the following correction: On Page 5, **Commissioner Eby** made the motion to authorize LAFCO's attorney to assist with the appeal regarding the closed session. LRDM matter; **Commissioner Murray** seconded the motion.

Approval of Minutes:

Commissioner Fonzi moved that the January 17, 2019 minutes be approved with the noted correction.

Vice-Chairperson Murray seconded the motion.

AYES: Commissioner Fonzi, Vice-Chairperson Murray, Commissioners Arnold, Enns, Ochylski, Waage and Chairperson Compton

NAYS: None

ABSTAINING: None

The motion was carried with a unanimous roll call vote.

Non-Agenda Public Comments:

LAFCO Executive Officer, David Church congratulated **Commissioner Ochylski** on his reelection to LAFCO as the Regular Special Districts member.

Mr. Church also welcomed **Steve Gregory** to the Commission as the Alternate City Commissioner.

Regular Matters:

A-1: LAFCO Policies and Procedures Review and Update 2019.

Mr. Church discussed this item and included a PowerPoint presentation.

Mr. Church noted that, according to the Cortese-Knox-Hertzberg Act of 2000, LAFCOs are required to have written policies. SLOLAFCO regularly reviews its policies and procedures.

Mr. Church advised the Commission that there are currently several changes to the policies and procedures. There will now be a new Chapter 3, designated for Administrative Policies. Chapter 4 will become the Procedures chapter and Chapter 5 will become the chapter for CEQA Policies.

Mr. Church gave some information regarding various individual pages.

The Commissioners had some questions regarding the credit card policies. Vice-Chairperson Murray questioned the authorized credit card use process and asked about the definition of “great weight” in the MOA process. There were questions about some language in the credit card portion of the document. A question was asked regarding whether gasoline was considered to be among “chemical and hazardous materials”.

Mr. Church responded to those questions. “Chemical” would be deleted as also would the reference to “personal” computers. The credit card statements would be included in quarterly financial reports.

Public Comment: None

Vice-Chairperson Murray moved to approve the changes to the LAFCO Policies and Procedures document, including those sections discussed by the Commission.

Commissioner Ochylski seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion was approved with a unanimous roll call vote.

B-2: Replacement of Condition #11 and other Additional Information regarding Condition Compliance re: Estrella-San Juan-Creston Water District (EPCWD).

Mr. Church spoke about this Item and provided a PowerPoint presentation.

Mr. Church indicated that the Staff Report for this Item focused on the topics discussed at the November 15, 2018 LAFCO Commission meeting. This staff report includes information about the Memorandum of Understanding (MOU) that guides the Paso Basin Cooperative Agency.

Mr. Church reminded the participants that the Commissioners had directed LAFCO staff to review the possibility of replacing Condition #11 and to address issues regarding the EPCWD's status as a Groundwater Sustainability Agency (GSA).

Mr. Church presented language proposed to replace Condition #11. He stated that the San Luis Obispo County's (County) Memorandum of Authority (MOA) was also attached to this Staff Report.

LAFCO Legal Counsel, Mr. Brian Pierik, responded to a letter submitted by Ms. Dennis Loucks.

Mr. Church noted that LAFCO has no authority over the County MOA.

Mr. Church summarized the replacement Condition #11.

Public Comment:

Mike Muller, 1750 Moon Valley Way, Paso Robles, CA 93446. Mr. Muller is against Condition #11 language replacement.

Christopher Hall, Attorney representing the Estrella-El Pomar-Creston Water District. Mr. Hall is in favor of Condition #11 language replacement.

Gary Kirkland, 462 South Portal Road, Atascadero, CA 93442. Mr. Kirkland is against Condition #11 language replacement.

Dana Merrill, 2550 Creston Ridge Road, Paso Robles, CA 93446. Mr. Merrill is the President of the EPCWD and is in favor of Condition #11 language replacement.

Dennis Loucks, 1810 San Marcos Road, no city given. Mr. Loucks is against Condition #11 language replacement.

Jerry Reaugh, Mr. Reaugh is the Secretary/Treasurer of the EPCWD and is in favor of Condition #11 language replacement.

Wesley Bonnheim, Post Office Box 1277, Grover Beach, CA 93448. Mr. Bonnheim is against Condition #11 language replacement.

Allen Duckworth, 5535 Forked Horn Place, Paso Robles, CA 93446. Mr. Duckworth is against Condition #11 language replacement.

Greg Grewal, Creston, CA. Mr. Grewal is against Condition #11 language replacement.

Cody Ferguson, Post Office Box 1168, Paso Robles, CA 93447. Mr. Ferguson is against Condition #11 language replacement.

Hilary Graves. Mr. Graves is the Vice-President of the EPCWD. Ms. Graves is in favor of Condition #11 language replacement.

Sophia Ortiz, no address given. Ms. Ortiz would like all parties to keep an open mind when making a decision.

Commissioner Comments:

Commissioner Arnold indicated that she will not support a resolution or vote in favor of Condition #11 language replacement.

Commissioner Waage supports a vote in favor of Condition #11 and foresees legal actions by the EPCWD if the new Condition #11 replacement language is not approved.

Commissioner Fonzi stated that she will not vote in favor of Condition #11 language replacement.

Vice-Chairman Murray is in favor of Condition #11 language replacement.

Commissioner Ochylski is in favor of Condition #11 language replacement.

Commissioner Enns agreed that the EPCWD has complied with the Conditions of Approval, and is in favor of the Condition #11 replacement language.

Vice-Chairman Murray moved to adopt a resolution replacing Condition #11 with the proposed language with regard to the Estrella-El Pomar-Creston Water District and finding that the Estrella-El Pomar-Creston Water District has complied with the Conditions of Approval.

Commissioner Enns seconded the motion.

AYES: Vice-Chairman Murray, Commissioners Enns, Ochylski, and Waage

NAYS: Commissioners Arnold, Fonzi, and Chairperson Compton

ABSTAINING: None

The motion was approved with a four-to-three vote.

Commissioner Comments: None

Legal Counsel Comments: Mr. Pierik advised the Commission that the evaluation paperwork for Mr. Church's annual evaluation would be sent to the Commissioners shortly.

Executive Officer Comments: None

Adjournment: With no further business before the Commission, the meeting adjourned at 10:14 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.

Respectfully submitted,
Donna J. Bloyd, LAFCO Commission Clerk