



**THIS MEETING WILL BE CONDUCTED UTILIZING TELECONFERENCING AND ELECTRONIC MEANS PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20.**

In order to minimize the spread of the COVID-19 virus, please consider the following:

You are strongly encouraged to observe the live stream of the LAFCO Commission meetings at:  
<https://zoom.us/j/97080695082?pwd=VEpyL1RZUmFVYitCa1ZmUzZzZGZrdz09>

Webinar ID: **970 8069 5082**

Password: **377913**

Call in number: **1 669 900 6833**

1. Submit **written** comment on any matter within the Commission's subject matter jurisdiction, regardless of whether it is on the agenda for Commission consideration or action. Submit your comment via email or U.S. mail by 1 p.m. on the Wednesday before the Commission meeting. You may submit comments via email to the Clerk of the Commission at: [Imarquez@SLOLAFCO.com](mailto:Imarquez@SLOLAFCO.com). Your comments will be read at the meeting; limited to 3 minutes per item.
2. Submit **verbal** comment by calling (805) 781-5795; state and spell your name, mention the agenda item number you are calling about and leave your comment. Verbal comments must be received by the Clerk of the Commission no later than 1 p.m. on the Wednesday before the Commission meeting. Your comments will be read at the meeting; limited to 3 minutes per item.
3. Submit **live** comment by joining the meeting and press the "raise a hand" button or if joining by phone only, press \*9 to indicate a desire to make comment. The chair will call you by name or phone number when it is your turn to comment; limited to 3 minutes per item.

\* If you are joining by zoom & phone, still use the zoom raise hand button as \*9 will not work.

For detailed information and updates about COVID-19, please visit the County of San Luis Obispo webpage at <https://www.emergencyslo.org/en/covid19.aspx>.

**The San Luis Obispo LAFCO thanks you for doing your part to prevent the spread of COVID-19.**



# SAN LUIS OBISPO LAFCO

## Local Agency Formation Commission

### Meeting Agenda

September 17, 2020, at 9:00 a.m.

#### MISSION STATEMENT

The Local Agency Formation Commission is committed to serving the residents of San Luis Obispo County and the State of California by discouraging urban sprawl and encouraging the orderly formation and development of local agencies based on local conditions and circumstances.

#### COMMISSIONERS

Tom Murray, Chair, Public

Robert Enns, Vice-Chair, Special District

Marshall Ochylski, Special District

Roberta Fonzi, City

Ed Waage, City

Debbie Arnold, County

Lynn Compton, County

#### ALTERNATES

Ed Eby, Special District

Steve Gregory, City

Heather Jensen, Public

John Peschong, County

#### Meeting Location

The meeting will be held via ZOOM pursuant to Executive Order N-29-20.

ZOOM meeting info is provided below.

#### Contact Information

Mike Prater, Executive Officer

Phone: (805) 781-5795

Fax: (805) 788-2072

[www.slolafco.com](http://www.slolafco.com)

#### MEETING ACCESS AND COMMENTS

LAFCO Commission meetings can be viewed at:

<https://zoom.us/j/97080695082?pwd=VEpyL1RZUmFVYitCa1ZmUzZzZGZrdz09>

**Webinar ID:** 970 8069 5082

**Password:** 377913

**Call in number:** 1 669 900 6833

**Public Comments:** Submit public comments by 1:00 pm on Wednesday September 16, 2020, at [lmarguez@slolafco.com](mailto:lmarguez@slolafco.com), voice mail: 805-781-5795, or live using the instructions provided on the agenda cover. Submitted comments will be read at the meeting; limited to 3 minutes per item.

#### Note:

In compliance with the Americans with Disabilities Act (ADA), if you need special assistance to participate at this meeting, please contact the Clerk at 805-781-5795. Notification provided a minimum of 48 hours prior to the meeting will enable the Clerk to make reasonable arrangements to ensure accessibility to this meeting. Pursuant to the ADA, the meeting room is accessible to the physically disabled.

#### MEETING AGENDA

##### Call to Order/Roll Call

##### Approval of the Minutes:

July 16, 2020



**Non-Agenda Public Comment Period**

This is the period in which the Commission Clerk will read out loud all non-agenda public comments that were submitted on or before 1 p.m. on the Wednesday before the Commission meeting. Following, there will be an opportunity to provide live comments; each speaker will be limited to a three-minute presentation. Go to the Agenda cover for more details on how to submit public comment.

**Consent Agenda**

**A-1:** Biennial Update of LAFCO’s Conflict of Interest Code  
(Recommend Review and Approval)

**Regular Matters**

**B-1:** Time Extension Request for SSJWD and EPCWD (Recommend Review and Approval)

**B-2:** Adoption of Record Retention and Destruction Policy  
(Recommend Review and Approval)

**Commissioner Comments**

**Legal Counsel Comments**

**Executive Officer Comments**

**Adjournment**

**Submitted Proposals and Sphere of Influence Municipal Service Review Updates**

File #	Name	Project Status
<b>Proposals</b>		
2-R-20	Jack Ranch (Tract 2429) Anx#11 to CSA 18 (Country Club)	Referrals sent 8-13-2020. Deemed complete for processing.
1-R-20	Anx #81 to SLO (Fiero East – West)	Notice to Commence Property Tax Negotiations (re-start 7-7-20); 30-day extension granted.
2-S-19	SOI Amendment Tri-W site	Submitted Info Hold Letter 11-14-19. Awaiting responses.
<b>SOI/MSR Updates</b>		
1-S-20	North County (Templeton, San Miguel, & Heritage Ranch CSD)	Gathering Information. Preparing draft MSR.



**SAN LUIS OBISPO  
LOCAL AGENCY FORMATION COMMISSION  
JULY 16, 2020, MEETING MINUTES**

**Call to Order**

The San Luis Obispo Local Agency Formation Commission (LAFCO) meeting was called to order at 9:07 a.m. on Thursday, July 16, 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 Homepage.

**Roll Call**

**Present:** Chairperson Tom Murray, Commissioners Robert Enns, Debbie Arnold, Lynn Compton, Roberta Fonzi, Marshall Ochylski, Ed Waage, and Alternate Commissioner Ed Eby.

**Absent:** Alternate Commissioners Steve Gregory, Heather Jensen, and John Peschong.

**Staff:** David Church, LAFCO Executive Officer  
Mike Prater, LAFCO Deputy Executive Officer  
Brian Pierik, LAFCO Legal Counsel  
Imelda Marquez, LAFCO Commission Clerk

**Approval of Minutes**

**Chairperson Murray** asked the Clerk 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.

**Commissioner Ochylski** motioned to approve the minutes.

**Commissioner Waage** seconded the motion.

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

**NAYS:** None

**ABSTAINING:** None

The motion passed with a unanimous roll call vote.

**Non-Agenda Public Comments**

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

**Ms. Marquez** reported that no non-agenda public comments were received.

**Consent Agenda**

**A-1:** Section 218 Agreement Final Resolution and Application Agreement  
(Recommend Review and Approval)

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

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

**Ms. Marquez** reported that no public comments were received.

**Commissioner Waage** motioned to approve the Consent Agenda.

**Commissioner Fonzi** seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**Regular Matters**

**B-1:** Resolution honoring Mr. David Church on his retirement and 19+ years of outstanding service to San Luis Obispo LAFCO, County Residents and the State of California  
(Recommend Review and Approval)

**Mr. Prater** introduced the item to the Commission, followed by **Chairperson Murray's** acknowledgment of the resolution.

**Chairperson Murray** asked the Clerk if any requests were received for live public comment.

**Ms. Marquez** confirmed that there were live comment requests. Members of the public were called on when allowed to speak during the live public comments section of item B-1.

**David Church** was praised by eleven members of the public for his service to the community.

**Chairperson Murray** proceeded to share summited letters from various agencies for the record.

**Chairperson Murray** opened the item for **Commissioner** and **Staff** comments.

**Commissioners** and **Staff** expressed their gratitude towards **Mr. Church** and continued to wish him well on his retirement.

**Mr. Church** thanked everyone for the positive comments.

**Chairperson Murray** asked for a motion by the Commission.

**Commissioner Waage** motioned to approve the resolution.

**Commissioner Ochylski** seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**B-2:** Year-End Fiscal Year 2019-20 LAFCO Budget Status Report  
(Recommend Approval and Direct Executive Officer to submit to the County Auditor)

**Mr. Church** presented the item.

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

**Ms. Marquez** reported that no public comments were received regarding this item.

**Chairperson Murray** opened the item for Commissioner comments or a motion.

**Commissioner Waage** motioned to approve the item.

**Commissioner Fonzi** seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**B-3:** Fiscal Year 2020-21 Budget Adjustment Employee End of Employment Sick Leave Payout (Recommend Review and Approval)

**Mr. Pierik** presented the item.

**Chairperson Murray** opened the item for Commissioner comment. No comments were made.

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

**Ms. Marquez** reported that no public comments were received.

**Chairperson Murray** suggested changes in future budget to include separate funds for future sick leave payouts.

**Mr. Church** addressed the suggestion.

**Commissioner Waage** motioned to approve the Budget Adjustment Resolution as presented.

**Commissioner Compton** seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**B-4:** Consideration of the Sphere of Influence/Municipal Service Review Update and Memorandum of Agreement for the South County Agencies (Recommend Review and Approval)

**Mr. Prater** presented the item.

**Chairperson Murray** asked the Commission for any questions or comments.

**Commissioner Arnold** asked for clarification on the data presented for the City of Arroyo Grande's current water supply.

**Commissioner Fonzi** questioned whether Oceano CSD would be served by Five Cities Fire Authority, under mutual aid, even if the upcoming ballot measure were to fail.

**Mr. Prater** answered **Commissioner** questions.

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

**Ms. Marquez** reported that no public comments were received.

**Commissioner Fonzi** motioned to approve the Sphere of Influence and Municipal Service Review Updates along with the attachments.

**Commissioner Compton** seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**B-5:** Nomination of Marshall Ochylski for the CALAFCO Board of Directors and CALAFCO Quarterly Report (Recommend Review and Approval)

**Mr. Church** presented the item.

**Chairperson Murray** asked the Commission for any other questions or comments, hearing none.

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

**Ms. Marquez** reported that no public comments were received.

**Commissioner Ochylski** expressed his interest in serving as part of the CALAFCO Board.

**Chairperson Murray** responded to Commissioner Ochylski and continued to ask the **Commission** for a motion.

**Commissioner Waage** motioned to approve staff recommendation.

**Commissioner Enns** seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

**Commissioner Comments:**

**Commissioner Waage** commented on **Mr. Church's** previous comment about chocolate cookies during Item B-1.

**Legal Counsel Comments:**

None

**Executive Officer Comments:**



**Mr. Church** thanked current and previous LAFCO staff and Legal Counsel's for all their hard work over the years.

**Adjournment:** With no further business before the Commission, the meeting adjourned at 10:31 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.**

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Respectfully submitted,  
Imelda Marquez, LAFCO Commission Clerk

DRAFT



**LAFCO - San Luis Obispo - Local Agency Formation Commission**  
*SLO LAFCO - Serving the Area of San Luis Obispo County*

**COMMISSIONERS**

Chairperson  
TOM MURRAY  
Public Member

Vice-Chair  
ROBERT ENNS  
Special District Member

DEBBIE ARNOLD  
County Member

MARSHALL OCHYLSKI  
Special District Member

ROBERTA FONZI  
City Member

LYNN COMPTON  
County Member

ED WAAGE  
City Member

**ALTERNATES**

ED EBY  
Special District Member

STEVE GREGORY  
City Member

HEATHER JENSEN  
Public Member

JOHN PESCHONG  
County Member

**STAFF**

MIKE PRATER  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Commission Clerk

**TO: MEMBERS, FORMATION COMMISSION**

**FROM: BRIAN PIERIK, LEGAL COUNSEL**

**DATE: SEPTEMBER 17, 2020**

**SUBJECT: BIENNIAL UPDATE OF LAFCO'S CONFLICT OF INTEREST CODE**

**RECOMMENDATION.** It is respectfully recommended that the Commission adopt the resolution and amended conflict of interest code attached as Attachment A.

**DISCUSSION.** The County Clerk of the Board has recommended that agencies required to adopt conflict of interest codes under the California Political Reform Act, Gov. Code §81000 et seq., should amend their existing codes Attachment B to incorporate by reference Fair Political Practices Commission (FPPC) Regulation Resolution adopting Updated Conflict of 18730. LAFCO is required to maintain a conflict Interest Code of interest code and certain designated positions in LAFCO are required to File Form 700 Appendix B statements with the County Clerk of the Board.

FPPC regulation 18730 sets forth the minimum requirements for conflict of interest codes subject to FPPC requirements and is attached in Attachment C.

The advantage of amending LAFCO's code to incorporate the FPPC regulation is that the information required to be in the main body of the conflict of interest code is complex, FPPC Regulation 18730 includes all of the requirements, and the requirements are occasionally amended by the FPPC. As a result, the proposed amended conflict of interest code will be continually updated automatically to be consistent with state law, and should not require further attention by your Commission. Attachment B contains LAFCO's existing conflict of interest code which was adopted in 2019.

**OTHER AGENCY INVOLVEMENT.** LAFCO Counsel consulted with the County Clerk of the Board and the County Counsel in preparing the proposed resolution and amended conflict of interest code.

**Attachment A:**  
Resolution adopting Updated Conflict of Interest Code including Appendix A & B

**Attachment B:**  
Existing LAFCO Conflict of Interest Code

**Attachment C:**  
FPPC Code 18730

# **Attachment A**

Resolution adopting Updated Conflict of Interest Code  
including Appendix A & B

**IN THE LOCAL AGENCY FORMATION COMMISSION**

**COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA**

Thursday, September 17, 2020

**PRESENT:**

**ABSENT:**

**RESOLUTION NO. 2020-XX**

**RESOLUTION APPROVING THE BIENNIAL UPDATE OF CONFLICT OF INTEREST CODE**

**WHEREAS**, Government Code section 87300 requires each local public agency to adopt and promulgate a conflict of interest code pursuant to the Political Reform Act; and

**WHEREAS**, Government Code section 87307 authorizes a local public agency to amend its conflict of interest code at any time; and

**WHEREAS**, minor changes need to be made to the Conflict of Interest Code; and

**WHEREAS**, the Commission duly considered the AMENDED Conflict of Interest Code: The Commission hereby adopts the Amended Conflict of Interest Code attached hereto, which supersedes the Conflict of Interest Code last amended in 2019.

1. The list of designated LAFCO positions and applicable disclosure categories attached as Appendix A & B is hereby adopted as the appendix of designated positions and disclosure categories to accompany section 18730.
2. The terms of California Code of Regulations, Title 2, section 18730, as set forth in the attached Appendix C, and any amendments to section 18730 duly adopted by the FPPC, are hereby adopted and incorporated by reference as the main body of LAFCO's conflict of interest code.
3. Designated employees and officers shall file statements of economic interest (FPPC Form 700) with the County Clerk-Recorder who will make the statements available for public inspection and copying.
4. This conflict of interest code shall not take effect until the San Luis Obispo County Board of Supervisors approves it in its capacity as code reviewing body under the Political Reform Act. The Commission Clerk is hereby authorized and directed to submit a certified copy of this resolution with appendices to the Board of Supervisors and request approval of the conflict of interest code.
5. After approval by the San Luis Obispo County Board of Supervisors, this resolution and Appendix A & B shall constitute the Conflict of Interest Code of the San Luis Obispo Local Agency Formation Commission.



## Appendix A

### SAN LUIS OBISPO LOCAL AGENCY FORMATION COMMISSION

#### CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE

##### A. Conflict of Interest

The Political Reform Act, Government Code §81000 et. seq. requires each state and local government agency to adopt and promulgate a Conflict of Interest Code. The Fair Political Practices Commission (FPPC) has adopted a regulation, 2 California Code of Regulations §18730, which contains the terms of a standard Conflict of Interest Code. ("Standard Code".) This Standard Code can be incorporated by reference and may be amended by the FPPC after public notice and hearings to confirm to amendments in the Political Reform Act.

The terms of 2 California Code of Regulations §18730 and any amendments to it, duly adopted by the FPPC, are hereby incorporated by reference.

Pursuant to section 4 of the Standard Code, persons serving in Designated Positions must file statements of economic interest (Form 700) with the Executive Officer of the Commission.

The following Designated Positions must file statements of economic interest:

Commissioners and Alternate Commissioners  
Executive Officer  
Legal Counsel  
LAFCO Analyst  
Commission Clerk  
Consultants\*

\* The disclosure by consultants is subject to the following limitation: The LAFCO Executive Officer may determine in writing that a particular consultant, including a consultant filling a Designated Position, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Executive Officer's determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

Subject to the definitions set forth in the Political Reform Act and applicable regulations, disclosures shall be made in the following Disclosure Categories:

- 1) All sources of income, including gifts;
- 2) Interests in real property located in whole or in part within, or not more than one-half mile outside, the boundaries of San Luis Obispo County; (Does not include the principal place of residence), and
- 3) Investments and business positions in business entities located in or doing business in San Luis Obispo County and engaged in:

## Appendix A

- a. The acquisition, sale, lease, or development of real property;
- b. Provision of insurance brokerage or consulting services; or
- c. Providing services of the type which have, in the past two years or which with reasonable foreseeability, may be used in the next one-year period by the filers division within the office.

### B. Financial Disclosure

Pursuant to Government Code §56700.1, expenditures for political purposes related to an application must be disclosed. All applicants, including individual property owners and other representatives who are a party to a proceeding, are required to submit a financial disclosure statement as part of any application package [§84308]. Disclosures must be made in the same manner as disclosures for local initiative measures presented to the electorate.

Any applicant or an agent of an applicant who has made business or campaign contributions totaling \$250 or more to any Commissioner (regular or alternate) in the past twelve months, must disclose that fact for the official record of the Commission §84308(d). The disclosure of any such contribution (including amount of contribution and name of recipient Commissioner/s) must be made: (1) in writing and delivered to the Executive Officer prior to the hearing on the matter; or (2) by oral declaration made at the time the hearing on the matter is opened.

LAFCO members are disqualified and are not able to participate in any proceeding involving an "entitlement for use" if, within the 12 months preceding the LAFCO decision, the Commissioner received \$250 or more in campaign contributions from the applicant, an agent of the applicant or any financially interested person who actively supports or opposes the LAFCO decision on the matter.

**Appendix B**

**SAN LUIS OBISPO**

**LOCAL AGENCY FORMATION COMMISSION**

**Conflict of Interest Code**

**Designations Position List**

<b><u>Designated Position</u></b>	<b><u>Disclosure Category Numbers</u></b>
LAFCO Executive Officer <sup>4</sup>	1, 2, 3
LAFCO Legal Counsel	1, 2, 3
<del>LAFCO Deputy Executive Officer</del>	<del>1, 2, 3</del>
LAFCO <u>Commission</u> Clerk	1, <del>2</del> , <u>3a, 3c</u>
<del>LAFCO Commissioners</del>	<del>1, 2, 3</del>
<u>LAFCO Analyst</u>	<u>1, 2, 3a, 3c</u>
<u>Board of Supervisors' Member</u>	<u>See (1) below</u>
<u>Alternate Board of Supervisors' Member</u>	<u>See (2) below</u>
<u>City Member</u>	<u>1, 2, 3</u>
<u>Alternate City Member</u>	<u>1, 2, 3</u>
<u>Public Member</u>	<u>1, 2, 3</u>
<u>Alternate Public Member</u>	<u>1, 2, 3</u>
<u>Special District Member</u>	<u>1, 2, 3</u>
<u>Alternate Special District Member</u>	<u>1, 2, 3</u>
<u>Consultants</u>	<u>1, 2, 3</u>

<sup>4</sup> ~~A District Director who is a Board of Supervisors Member reports under Conflict of Interest Code for the Board of Supervisors and is not required to file a separate statement under the District Code.~~

~~(1) Board of Supervisors members report under the Conflict of Interest Code for the Board of Supervisors~~

~~(2) Alternate Board of Supervisors members report under the Conflict of Interest Code for the Board of Supervisors~~



~~Local Agency Formation Commission  
Conflict of Interest Code~~

~~Exhibit B~~

~~Disclosure Categories~~

~~The disclosure categories that relate to the numbers above are:~~

- ~~1. Interest in real property located within, or not more than one-half mile outside, the County boundary (does not include the principal place of residence).~~
- ~~2. Investments in, and income from, any business entity doing business within the County.~~
- ~~3. Investments in, and income from, any business entity doing business within the County and engaged in:
  - ~~a. The acquisition, sale, lease, or development of real property.~~
  - ~~b. Provision of insurance brokerage or consulting services;~~~~

~~Or~~

- ~~c. Providing consulting services of the type which have, in the past two years, or which with reasonable foreseeability, may be used in the next one year period by the filer's division within the office.~~

- 
- ~~4. Income of any business entity in which the filer or spouse owns a 10% interest or greater which is derived from client(s) or customer(s) who, within reasonable foreseeability, could be materially affected by the decisions made or participated in by the filer. Names of such client(s) or customer(s) must be reported under this category or the filer's pro rata share of fees from such client(s) or customer(s) was greater than \$10,000 for all types of businesses.~~

# Attachment B

Existing LAFCO Conflict of Interest Code

**APPENDIX B**

**SAN LUIS OBISPO  
LOCAL AGENCY FORMATION COMMISSION**

**CONFLICT OF INTEREST CODE**

**DESIGNATED POSITION LIST**

<b><u>Designated Position</u></b>	<b><u>Disclosure Category Numbers</u></b>
LAFCO Executive Officer <sup>1</sup>	1,2,3
LAFCO Legal Counsel	1,2,3
LAFCO Deputy Executive Officer	1,2,3
LAFCO Clerk	1,2,3
LAFCO Commissioners	1,2,3

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<sup>1</sup> A District Director who is a Board of Supervisors Member reports under Conflict of Interest Code for the Board of Supervisors and is not required to file a separate statement under the District Code.

Local Agency Formation Commission  
Conflict of Interest Code

Exhibit B

Disclosure Categories

The disclosure categories that relate to the numbers above are:

1. Interest in real property located within, or not more than one-half mile outside, the County boundary (does not include the principal place of residence).
2. Investments in, and income from, any business entity doing business within the County.
3. Investments in, and income from, any business entity doing business within the County and engaged in:
  - a. The acquisition, sale, lease, or development of real property.
  - b. Provision of insurance brokerage or consulting services;or
  - c. Providing consulting services of the type which have, in the past two years, or which with reasonable foreseeability, may be used in the next one year period by the filer's division within the office.
4. Income of any business entity in which the filer or spouse owns a 10% interest or greater which is derived from client(s) or customer(s) who, within reasonable foreseeability, could be materially affected by the decisions made or participated in by the filer. Names of such client(s) or customer(s) must be reported under this category or the filer's pro rata share of fees from such client(s) or customer(s) was greater than \$10,000 for all types of businesses.

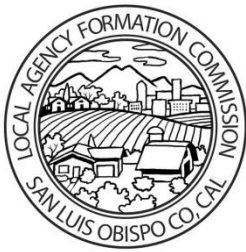
B-3  
9

# Attachment C

Fair Political Practices Commission Code 18730

Use the following link:

<http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/Index/Chapter7/Article2/18730.pdf>



# LAFCO - San Luis Obispo - Local Agency Formation Commission

*SLO LAFCO - Serving the Area of San Luis Obispo County*

## COMMISSIONERS

Chairperson  
TOM MURRAY  
Public Member

Vice-Chair  
ROBERT ENNS  
Special District Member

DEBBIE ARNOLD  
County Member

MARSHALL OCHYLSKI  
Special District Member

ROBERTA FONZI  
City Member

LYNN COMPTON  
County Member

ED WAAGE  
City Member

## ALTERNATES

ED EBY  
Special District Member

STEVE GREGORY  
City Member

HEATHER JENSEN  
Public Member

JOHN PESCHONG  
County Member

## STAFF

MIKE PRATER  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Commission Clerk

**TO: MEMBERS, FORMATION COMMISSION**

**FROM: MIKE PRATER, EXECUTIVE OFFICER**

**DATE: SEPTEMBER 17, 2020**

**SUBJECT: TIME EXTENSION FOR DETACHMENTS FROM  
SHANDON SAN JUAN AND ESTRELLA-EL POMAR-  
CRESTON WATER DISTRICTS FILE NO. 1-R-19 & 2-R-19**

**Recommendation.** It is respectfully recommended that the Commission grant a one-year time extension for the detachments from the two water districts above.

**Summary.** On September 19, 2019, LAFCO approved the detachments of 33,000 acres from the Shandon San Juan Water District for the Morrison and Kuhnle properties. On November 21, 2019, LAFCO approved the detachments of 412 acres from the Estrella-El Pomar-Creston Water District for the Rava, Morrison, Blackwell and Mooney properties. Condition #1 for both actions required revised maps and legal description be submitted by the applicant's and approved by the County Surveyor.

### Attachments

**A:** Time Extension Request

Procedurally, prior to filing the Certificate of Completion with the County Clerk Recorder's Office the following information shall be included: Resolution of the authorizing body (LAFCO Commission), statement of the type of change of organization, a description of the boundaries, and any terms and conditions.

Pursuant to GC 57001, if a certificate of completion for a change of organization has not been filed within one year after the Commission approves a proposal, the proceeding shall be deemed terminated unless prior to the expiration of that year the commission authorizes an extension of time for that completion. The extension may be for any period deemed reasonable to the Commission for completion of necessary prerequisite actions by any party.

A time extension may be granted, the request is for one-year (see attached letter).

# **Attachment A**

Time Extension Request

August 21, 2020

*Of Counsel*  
J. Todd Mirolla  
Gordon E. Bosserman  
Jay L. Raftery, Jr.

***Via email and U.S. Mail***

San Luis Obispo Local Agency Formation Commission  
1042 Pacific Street, Suite A  
San Luis Obispo, CA 93401  
Attn: Mike Prater, Executive Director

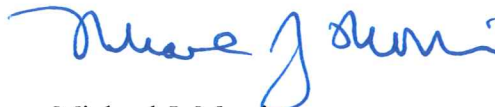
**Re: Camatta Ranch  
Shandon – San Juan Water District Detachment – File No. 1R19  
Estrella -El Pomar – Creston Water District Detachment – File No. 2R19**

Dear Mr. Prater:

I am following up on our recent telephone conversation regarding the above referenced matter. I am the attorney for Robert Morrison. It is my understanding that LAFCO has approved the detachment of the Camatta Ranch from both the Shandon – San Juan Water District and the Estrella -El Pomar – Creston Water District subject to the submittal of a final map showing the detached area. Because Mr. Morrison has lost contact with the professional who was assisting him with this matter, it appears that the final approval of detachment may not be accomplished prior to the expiration of the application.

On behalf of Mr. Morrison, I request a one (1) year extension to complete the two detachments. I understand that they are joined and that this request will apply to both districts. I am enclosing a check for \$500 to cover the fee for the extension application. Please let me know if anything further is needed.

Very truly yours,



Michael J. Morris

MJM/at  
Enclosure  
cc: Robert Morrison





**LAFCO - San Luis Obispo - Local Agency Formation Commission**  
*SLO LAFCO - Serving the Area of San Luis Obispo County*

**COMMISSIONERS**

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TOM MURRAY  
Public Member

Vice-Chair  
ROBERT ENNS  
Special District Member

DEBBIE ARNOLD  
County Member

MARSHALL OCHYLSKI  
Special District Member

ROBERTA FONZI  
City Member

LYNN COMPTON  
County Member

ED WAAGE  
City Member

**ALTERNATES**

ED EBY  
Special District Member

STEVE GREGORY  
City Member

HEATHER JENSEN  
Public Member

JOHN PESCHONG  
County Member

**STAFF**

MIKE PRATER  
Executive Officer

BRIAN A. PIERIK  
Legal Counsel

IMELDA MARQUEZ  
Commission Clerk

**TO: MEMBERS, FORMATION COMMISSION**

**FROM: MIKE PRATER, EXECUTIVE OFFICER**

**DATE: SEPTEMBER 17, 2020**

**SUBJECT: ADOPTION OF RECORD RETENTION AND DESTRUCTION POLICY**

**RECOMMENDATION.** It is respectfully recommended that the Commission review the attached policy regarding Records Retention and Destruction. The Commission may 1) Give staff feedback and direct staff to take any appropriate follow up actions or 2) Approve by motion the attached draft policy with or without modifications as specified.

**DISCUSSION.** On January 16, the San Luis Obispo Local Agency Formation Commission (SLO LAFCO) presented the 2020 Work Plan and Draft Hearing Schedule. At that time, March 19, 2020, was scheduled to hold a meeting regarding a Records Retention Policy. Our March 19, 2020, meeting was canceled as a precautionary step due to the COVID-19 pandemic. Staffing efforts were adjusted to address more essential LAFCO matters in the meantime, however today the Records Retention and Destruction Policy is ready for your Commissions consideration.

**Attachment A:**  
Policy on Records  
Retention and  
Destruction

**Attachment B:**  
Records Retention  
Schedule

Local Agency Formation Commissions are responsible for retaining records for activities and actions tied to administering their regulatory and planning responsibilities codified under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). Most notably, this includes retaining and safeguarding records relating to the formation, expansion, and reorganization of cities and special districts in California. CKH does, however, permit LAFCO's to destroy original and duplicative records subject to certain preconditions outlined under California Government Code (G.C.) Section 56382.

SLO LAFCO has historically retained all agency records in their original paper form. Staff currently retains approximately the last five years of its agency records in file cabinets located at its administrative office. The remaining agency records are located offsite at The DocuTeam storage facility located at 140 Hind Lane in the City of San Luis Obispo. Approximately, 135 banker boxes are stored and retrieved when requested by an agency or member of the public and then refiled. Periodically, the files in the office are transferred to DocuTeam and barcoded to make room for future files.

The establishment of a Records Retention and Destruction Policy that prescribes uniform standards as it relates to retaining and destroying agency records – originals and copies –

in a manner consistent with all applicable laws would help manage existing and future records. Most importantly, this includes complying with G.C. Section 56382; a statute authorizing LAFCOs to destroy original records more than two years old if an electronic copy is made in a format that does not permit changes and is accessible for public reference while meeting the quality standards.

Staff has prepared a draft policy on records retention and destruction for Commission review and consideration. The draft policy, in particular, requires all documents be digitized (photographic or electronic copy of the original record is first made) and establishes a definition for "LAFCO Records." This latter component, importantly, defines under G.C. Section 56382 the documents the Commission recognizes shall be ultimately retained in original and/or digital form indefinitely. Examples include change of organization or reorganization proposals as well as agency maps and descriptions. Conversely, the definition permits the Commission to eventually destroy other agency documents, such as payroll, personnel, and general correspondence, which are not defined as "LAFCO Records" yet consume a considerable portion of the agency's existing storage resource.

Guiding the implementation of the draft policy is an attached "Records Retention Schedule" that prescribes by type of record a plan for its management and life cycle and serves as the legal authorization for their disposition.

# **Attachment A**

Policy on Records Retention and Destruction

## Administrative Policies

### 3.5 DOCUMENT RETENTION AND DESTRUCTION POLICY

#### A. Document Retention

Except as otherwise provided herein, and subject to the conditions contained in this policy, all original records and documents maintained by LAFCO will be retained for a period of five (5) years. A true copy of all documents shall be kept in a safe and separate place for security purposes.

As used in this policy, the term "record" (or "record of proceedings") is defined to mean documents that show decisions or actions taken by the Commission in fulfillment of its statutory responsibilities. Records maintained by the Commission include the following: Records of proceedings (LAFCO application, petition or other initiating documents; statement of property valuation; statement of tax rate area assignment; indemnification and agreements to pay; Certificates of Filing and Completion; copies of public hearing notice; environmental review documents prepared for purposes of complying with the California Environmental Quality Act ("CEQA"); plan for service; map and legal description; staff reports; impartial analysis; order for change of organization/ reorganization; documentation of election and results; Statement of Boundary Change; State Board of Equalization acknowledgement letter, LAFCO meeting minutes, Municipal Service Reviews) ; and Administrative/Financial documents (budgets, accounts payable, accounts receivable, audits, invoices, ledgers, registers, reimbursements, Commissioner policies and procedures, agreements, contracts, leases, purchase orders, requisitions, recruitment/selection/resumes, claims).

#### B. Limited Exceptions to Five Year Retention Period

Original statements of economic interest (Form 700) will be retained by the Commission for a period of seven (7) years. Environmental review documents that are prepared by a lead agency other than LAFCO (i.e., Environmental Impact Reports and other CEQA documents that are approved or adopted by LAFCO but are not prepared by LAFCO as the lead agency for the project), will be retained by the Commission for a period of two (2) years. Environmental review and CEQA documents prepared by LAFCO as the lead agency for the environmental review of the project will be retained for a period of (5) five years.

#### C. Destruction Authorized Following Required Retention Period

At the conclusion of the applicable required retention period, the Executive Officer is authorized to destroy records as needed, provided that a photographic or electronic copy of the original record is first made and preserved in the manner

specified in Government Code section 56382. The reproductions must be made as accessible for public reference as the original records were.

D. Social Media Records Retention Period

Social media site content is not (1) “kept”, (2) required to be kept by law, and (3) is not necessary to be kept in discharge of a public official’s duties or made/retained for the purposes of preserving content for future reference. If SLOLAFCO as a public agency is using social media for public input (for example, to solicit public input on LAFCO issues) SLOLAFCO will capture the input provided for the administrative record.

# Attachment B

## Records Retention Schedule



**LOCAL AGENCY FORMATION COMMISSION SAN LUIS OBISPO COUNTY**  
**Policy on Records Retention and Destruction | Attachment B - Records Retention Schedule**

Record Type	Record Description (Non-Exclusive)	Retention: Original Record
<b>Administrative</b>		
Accounts Payable	invoices for purchase orders, reimbursements, services received <sup>2</sup>	audited + 5 years
Accounts Receivable	invoices for applications, miscellaneous fees, services provided <sup>3</sup>	audited + 5 years
Administrative Policies & Procedures	adopted guidelines, standards, requirements <sup>1</sup>	current + 5 years
Audits	independent analyses of year-end financial statements	5 years
Budgets	annual revenue and expense ledgers, adjustments, transfers	5 years
Consultant Contracts	information services provided by contracted third parties; 1099 etc.	completion + 5 years
General Correspondence	communication with public and local agencies, inc. e-mails	5 years
Oath of Office	commissioners' oaths of office taken at commencement of term	completion + 5 years
Payroll	employee timesheets, leave balances, labor distribution reports	audited + 5 years
Personnel Files	employee applications, performance reviews, leave forms	leave + 5 years
Public Member Recruitment	notice of vacancy, applications, appointments	current + 5 years
Public Records Requests	written requests to inspect or copy agency documents	current + 5 years
Requests for Proposals	written solicitation for consultant services <sup>4</sup>	current + 5 years
Staff Position Recruitment	recruitment, applications, selection, resumes	5 years
Statements of Economic Interest	disclosure of income/gifts/benefits for designated employees <sup>5</sup>	current + 7 years
Vendor Agreements and Leases	third party equipment/facility services	completion + 5 years
Social Media Content	Only kept as an administrative record, if used for public input	none
<b>Meetings</b>		
Affidavits	affirmations relating to postings and publications	5 years
Agendas	calendared meeting items	5 years
Agenda Packets	staff reports and related documents for calendared meeting items	5 years
Audio/Video Recordings	auditory and visual recordings of regular and special meetings	5 years
Elections	impartial analyses, conducting authority proceedings	5 years
Mailing Lists	landowner and/or registered voter rolls tied to public hearings	5 years
Minutes	summary of discussion/action for regular and special meetings	5 years
Resolutions	records of adopted actions	5 years
<b>Regulatory Records</b>		
Agency Maps	jurisdictional boundaries, spheres of influence, service areas	5 years
Change of Organization Proposals	application, petition, staff report, certificates, etc. <sup>6</sup>	5 years
Change of Reorganization Proposals	application, petition, staff report, certificates, etc. <sup>7</sup>	5 years
Outside Service Requests	application, staff report, environmental document <sup>8</sup>	5 years
Related Correspondence	communication with public and local agencies inc. e-mails	5 years
<b>Planning Records</b>		
Municipal Service Reviews <sup>9</sup>	written report and supporting documentation	7 years
Other Studies	written report and supporting documentation	7 years
Sphere of Influence Updates <sup>10</sup>	written report and supporting documentation	7 years
Related Correspondence	communication with public and local agencies inc. e-mails	5 years
Environmental review documents	approved or adopted by LAFCO	5 years - (2 years not prepared by LAFCO)

Notes:

1 Records relating to administrative policies and procedures shall include documents that have been subsequently amended, superseded, or replaced.

2 / 3: Commission currently contracts with the County of San Luis Obispo for claims processing, and financial services. Accordingly, the County's Auditor's Office Department independently retains these records, respectively, pursuant to their own records retention schedules.

4: Records relating to requests for proposals include accepted and unaccepted bids, including proposal statements, bidder forms, data sheets, proof of insurance, and evaluation rankings.

5: Government Code Section 81009 specifies statements of economic interest must be maintained a minimum of seven years; original statements can be digitized after two years.

6 / 7 / 8: Records relating to change of organization proposals, change of reorganization proposals, and outside service requests include information generated or managed by LAFCO.

9 / 10: The contents of municipal service reviews and sphere of influence updates shall include written reports and resolutions making determinations with respect to Government Code Sections 56430 and 56425, respectively.