



**SAN LUIS OBISPO
LOCAL AGENCY FORMATION COMMISSION
MARCH 18, 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, March 18, 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 John Peschong.

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

Approval of Minutes

Chairperson Enns asked for Commissioner comments before opening to the public, hearing none.

Chairperson Enns 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 Enns asked for a motion to approve the January 21, 2021, Meeting Minutes.

Commissioner Murray motioned to approve the minutes.

Commissioner Arnold seconded the motion.

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

NAYS: None

ABSTAINING: Commissioner Gregory

The motion was passed.

Non-Agenda Public Comments

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

Ms. Marquez reported that no public comments were received.

Consent Agenda

- A-1:** Protest Proceeding Results for the Activation of Solid Waste Power for the San Simeon Community Service District - File #1-E-20 (Recommend Review and Accept)
- A-2:** Protest Proceeding Results for Annexation #81 to the City of San Luis Obispo (Fiero East – West) - File #1-R-20 (Recommend Review and Accept)
- A-3:** CALAFCO Dues Update, Annual, & Quarterly Reports (Recommend receive and File)

Chairperson Enns 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 Enns asked if any Commissioner wished to pull an item for separate discussion. Hearing none Chairperson Enns asked for a motion.

Commissioner Waage motioned to approve the Consent Agenda.

Commissioner Murray seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

Regular Matters

- B-1:** Partial Fee Waiver Request - Cayucos Sanitary District (Water Resource Reclamation Facility) Annexation and Sphere of Influence Amendment (Recommend Review and Approval)

Mr. Church presented the item.

Chairperson Enns opened the item for Commissioner comments or questions.

Commissioner Arnold asked for clarification on whether the proposed fees would cover the processing of annexation.

Mr. Church clarified the proposed fee should cover processing.

Chairperson Enns asked for any other Commissioner questions, hearing none he continued to ask 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 Enns asked for a motion to approve staff recommendation.

Commissioner Waage made a motion to approve staff recommendation.

Commissioner Compton seconded the motion.

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

NAYS: None

ABSTAINING: Chairperson Enns

The motion was passed.

B-2: Appointment of Regular and Alternate Public Members to the Commission
(Recommend Review and Approval)

Chairperson Enns briefly introduced the candidates that applied for the position and gave the Commission options for moving forward.

Mr. Church added to Chairperson Enns' suggestion and opened the floor for candidate interviews.

Candidates **Tom Murray** and **Heather Jensen** expressed their interest to fulfill the Regular and Alternate Public Member positions.

Chairperson Enns opened the item for Commissioner comments.

Commissioner Arnold thanked the Public Members for their comments and service to the Commission.

Chairperson Enns 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 Enns asked for a motion from the Commission.

Commissioner Waage made a motion to appoint Tom Murray as Regular and Heather Jensen as Alternate Public Member.

Commissioner Arnold seconded the motion.

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

NAYS: None

ABSTAINING: None

The motion passed with a unanimous roll call vote.

Closed Session

- C-1:** CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION
Government Code Section 54956.9 paragraph (1) of subdivision (d)
Name of case: San Luis Obispo Local Agency Formation Commission, et. al. v.
City of Pismo Beach, et. al. Superior Court Case No. CV130383; 2d Civ. No.
B296968
- C-2:** Closed session pursuant to Government Code Section 54957
Public Employee/Employee Appointment – Title: Executive Officer
Pursuant to Government Code Section 54957.6 Conference with Labor Negotiators
Agency designated representatives: (Legal Counsel and Interim Executive Officer)
Unrepresented employee: Executive Officer

Commissioner Waage announced that he would not be participating in item C-1.

Commissioner Gregory attended item C-1 and excused himself before the start of item C-2.

Mr. Pierik introduced the two items and called for a recess to closed session at 9:23 a.m.

At 12:14 a.m. **Chairperson Enns** called the open session back in order.

Report on Closed Session: LAFCO Legal Counsel, Mr. Pierik, reported out of Closed Session announcing that there was no reportable action for item C-2. On item C-1 Mr. Pireik announced that Commissioner Waage did not participate in the Closed Session because of his position with the City of Pismo Beach. He continued to announce the unanimous action that was taken by the six Commissioners to authorize Legal Counsel to pursue a petition of rehearing through a court of appeal and seek a review through petition to the California Supreme Court.

Commissioner Comments: None

Legal Counsel Comments: None

Executive Officer Comments: None

Adjournment: With no further business before the Commission, the meeting adjourned at 12:16 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