



**SAN LUIS OBISPO  
LOCAL AGENCY FORMATION COMMISSION  
SEPTEMBER 17, 2009**

**Call to Order:**

The San Luis Obispo Local Agency Formation Commission meeting was called to order at 9:00 a.m. on Thursday, September 17, 2009, in the Board of Supervisors Chambers at the County Government Center in San Luis Obispo, California by Chairman David Brooks.

**Roll Call:**

**Present:** K. H. "Katcho" Achadjian, Bruce Gibson, Chairman David Brooks and Alternate Commissioners Ed Eby, Tom Murray and Jim Patterson.

**Absent:** Vice Chairman Duane Picanco and Commissioners Barbara Mann, Richard Roberts, and Allen Settle, and Alternate Commissioner Kris Vardas.

**Staff:**

Paul L. Hood, Executive Officer, David Church, Deputy Executive Officer, Ray Biering, LAFCO Legal Counsel, Donna J. Boyd LAFCO Commission Clerk.

**Pledge of Allegiance:** Led by Chairman Brooks

**Approval of Minutes:** Motion was made, seconded, and passed to approve the draft minutes of August 20, 2009.

**Non-Agenda Public Comments:**

None

**Consent Agenda:**

None

**Business Matters:**

**Item A-1: Consideration of an Employment Contract with David A. Church for the position of Executive Officer.**

**Mr. Ray Biering**, LAFCO Legal Counsel introduced and discussed this item.

Mr. Biering stated that on August 20, 2009 the Commission gave him directions to negotiate a contract with Mr. David Church, LAFCO Deputy Executive Officer for the position of LAFCO Executive Officer. The contract is based upon Mr. Hood's contract with LAFCO with the following exceptions:

- Starting salary shall be 22% less than the current Executive Officer's salary

- A cost-of-living (COLA) increase will be the only salary increase for fiscal year 2010-2011
- Twenty vacation days rather than 25 vacation days

**Public Comment:**

**Mr. James R. Patterson**, LAFCO Alternate Commissioner and member of the SLO County Board of Supervisors stated that he had an issue with the comparison to the County salaries and benefits. He stated that the County of SLO was attempting to bring retirement benefits into balance with employees paying the same amount of monies into the retirement plan as does the County. He asked if LAFCO paid the entire amount of the retirement benefit.

**Chairman Brooks** asked Mr. Biering if LAFCO employees had the same retirement plan as the County employees.

**Mr. Biering** stated that was true, and that LAFCO had an independent contract with San Luis Obispo County Pension Trust, but pays the entire amount.

There was further discussion among the Commissioners and Mr. Biering regarding the County's retirement options and possible future plans. Mr. Biering suggested placing language in the contract addressing future increases of the retirement benefits. The Commission and Mr. Church agreed to this addition.

**Chairman Brooks** stated that he would entertain a motion to approve the contract.

**Mr. Biering** asked if implicit in the motion was the authority of the LAFCO Chairman to sign the contract with the amendment.

The Commission agreed to this suggestion.

**Motion was made by Commissioner Achadjian to approve the contract between Mr. Church and the LAFCO Commission with the amendments to Section 6-B. Commissioner Gibson seconded the motion.**

**AYES: Commissioners Achadjian, Gibson, Eby, Murray and Chairman Brooks**

**NOES: None**

**ABSTAIN: None**

**The motion carried with a unanimous roll call vote.**

**Regular Matters:**

**Item B-1: LAFCO File No. 1-R-09, Results of the Protest Hearing for Annexation No. 5 to the Oceano Community Services District.**

**Mr. Hood** introduced this item and stated that the Protest Hearing was conducted on Thursday, August 20, 2009. There were 79 registered voters in the annexation area. Five written protests were submitted to LAFCO. That amounts to 6.3% of the registered voters which does not meet the needed 25% of voters. The annexation was, thus, approved.

**Special Matters:**

**Item C-1: Confirmation of Commissioners' Attendance at the 2009 CALAFCO Annual Conference to be held at the Tenaya Lodge on October 28-30, 2009.**

**Mr. Hood** introduced this item and stated that six Commissioners and three LAFCO staff will attend the conference. He stated that registration to the conference can be canceled up until October 5, 2009, but that the deadline for canceling hotel rooms has passed. That deadline was September 15, 2009.

Mr. Hood stated that CALAFCO had asked all LAFCOs to consider discussion of CALAFCO Regional Structure on a local level. Regions will be determined within the next 4 months. Some possible discussion questions could include: Where would San Luis Obispo be placed in such a structure? Would the SLO LAFCO support regional structuring?

Mr. Hood stated that this would be discussed at the CALAFCO business meeting at the conference.

**Alternate Commissioner Murray** stated that regional structuring is positive and could lead to more interface with other LAFCOs.

**Commissioner Gibson** stated that he felt that any LAFCO has the ability to and does informally telephone other LAFCOs with various questions.

**Mr. Biering** stated that the LAFCOS have a strong network.

**Informational Items:**

**Item D-1: Status Report on the Preparation of the Sphere of Influence Update and Municipal Service Review for the Nipomo Community Services District.**

**Mr. Church** introduced this item stating that he was working on the NCSD SOI Update and MSR.

He spoke about the 20%x2020 Water Conservation Plan which proposes to reduce water use by 20% by the year 2020. He stated that many jurisdictions are already considering this plan and that this information will be incorporated into the SOI Update/MSR for the NCSD.

Mr. Church also stated that the NCSD has not yet reduced its water consumption through conservation measures.

**Alternate Commissioner Eby** asked if the 20%x2020 was mandated by the Governor or by the legislature. He also asked if the Governor had the authority to make such a mandate, he stated that it wasn't clear if the Governor could mandate this Plan.

**Commissioner Achadjian** asked Alternate Commissioner Eby if this issue had arisen in the NCSD.

**Alternate Commissioner Eby** stated that it had not. He further stated that the NCSD got its water from groundwater and that the water pipeline, currently being built by the NCSD, would be

providing supplemental water to the NCSD.

**Mr. Church** stated that the potential mandate had arisen from concern regarding the Sacramento Delta habitat.

There was discussion among the Commissioners about water usage and the possible mandate.

**Alternate Commissioner Murray** stated that a book prepared by SLO Greenbuild contained information on gray water usage.

**Commissioner Comments:**

**Commissioner Achadjian** stated that he would not be able to attend the October LAFCO meeting and that Commissioner Patterson would sit for him.

**Alternate Commissioner Eby** reported on the status of the NCSD water pipeline stating that financing the pipeline was now the issue in the NCSD. He stated that there would be an assessment vote and that although water was supposed to be available in the NCSD by May 2011, the date had been pushed back to November 2011.

**Chairman Brooks** stated that the next LAFCO meeting would be held on Thursday October 15, 2009 at the Dalidet Adobe at 11:30 and would include lunch. It would be a going-away event for Mr. Hood.

**Legal Counsel Comments:**

Mr. Biering stated that a matter regarding the Los Robles del Mar project was now in litigation between the developers of the project and the City of Pismo Beach. He stated that some of the Commissioners may have received a letter from the Plaintiffs' attorney and that they could disregard the letters, since the Plaintiffs' attorney did not know that he, Mr. Biering, was counsel to the Commission.

Mr. Biering will send an email to all LAFCO Commissioners containing this information.

**Executive Officer's Comments:** None

**Adjournment:** With no further business before the Commission, the meeting adjourned at 9:47 a.m. until the next meeting scheduled for October 15, 2009 at 11:30 a.m. at the Dalidet Adobe at 1185 Pacific Street, 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,

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Donna Bloyd, LAFCO Commission Clerk