

M E M O R A N D U M

TO: SOUTH SAN LUIS OBISPO COUNTY SANITATION DISTRICT

FROM: WENDY STOCKTON, OF COUNSEL, JONES MAYER

RE: DISTRICT BOARD MEMBERS – REPORTING BACK

DATE: NOVEMBER 4, 2025

QUESTION: Are District Board members obligated to report back to the jurisdictions they represent at public meetings concerning District operations and financial issues?

RESPONSE: No. As discussed below, the District is a separate public entity. State law specifies the membership of the District Board, provides for District powers and their independent exercise, and imposes the requirement for board members to do District business in open and public District meetings. This structure and its obligations do not include individual board members reporting back to their jurisdictions.

DISCUSSION:

1. Nature of the District. The District is a County Sanitation District (Health and Safety Code §§4700-4858) formed by the San Luis Obispo County Board of Supervisors on September 3, 1963 in Resolution 441-63. The Health & Safety Code specifies that the District has a number of independent powers common to public entity agencies, including acquiring and maintaining a sewerage system (§4741), employing experts to carry its powers into effect (§4739), and collecting rates or charges for services and facilities it furnishes (§§5470 and 5471).
2. Governance of the District. The District is governed by a board of directors whose composition is set by state law. Health & Safety Code §4730.10, effective July 29, 1996, sets out specific rules for the District's governing body. When read with other applicable sections, the current result is a District governing body consisting of the presiding officers of Arroyo Grande, Grover Beach, and Oceano Community Services District and their alternates [§§4730.1(a)(2) and (3), (d) and 4730.10].
3. How the District Exercises Power. The District exercises power through the actions of its Board. [Health & Safety Code §§4738-4767.5.] These provisions do not require consultation, coordination, or agreement with any other public entity unless a physical installation is proposed for location in that jurisdiction. In fact, the law specifies that Board members are to act for the District even when their jurisdiction removes itself from a District project. ["...[N]o director shall be excluded...because the political subdivision which he represents on the board has excluded itself...." Health & Safety Code §4741.4.]

As the governing body of a special district created by state statute, the District Board must exercise District powers according to the Ralph M. Brown Act. [Government Code §§54950-54963.] The Brown Act generally requires that the exercise of power occur after public participation, at open public meetings **of the particular government entity**, preceded by notice on a descriptive agenda. This model does not include individual members reporting back to separate public entities.

Please contact me if you have additional questions.