

Board of Directors San Simeon Community Services District



REGULAR BOARD MEETING PACKET

November 8, 2022
Meeting Start Time 5:00 pm

Virtual Board Meeting via Zoom Webinar

Prepared by:



GRACE
ENVIRONMENTAL SERVICES

AGENDA
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR BOARD MEETING
Tuesday, November 8, 2022
5:00 pm

Pursuant to San Simeon CSD Resolution 22-458 and in compliance with AB 361 this meeting shall occur as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

Join Zoom for Regular Board Session:

<https://us02web.zoom.us/j/87307810050>

Or One tap mobile:

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Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128

The following commands can be entered via DTMF tones using your **phone's** dial pad while in a **Zoom meeting**: *6 - Toggle mute/unmute. *9 - **Raise hand**.

Webinar ID: 873 0781 0050

NOTE: On the day of the meeting, the virtual meeting room will be open 30 minutes prior to the meeting start time. If you wish to submit public comment in the written format you can email admin@sansimeoncsd.org. Members of the public can also contact the District office at (805) 927-4778 with any questions or concerns related to this agenda or accessing the meeting.

1. REGULAR SESSION:

- A. Roll Call
- B. Reportable Action from 3:30 Closed Session

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment - Any member of the public may address the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda. Presentations are limited to three (3) minutes or less with additional time at the discretion of the Chair. Your comments should be directed to the Board as a whole and not directed to individual Board members. The Brown Act restricts the Board from taking formal action on matters not published on the agenda.

3. SPECIAL PRESENTATIONS AND REPORTS:

A. STAFF REPORTS:

- i. **Sheriff's Report** – Report for October.
- ii. **CHP Report** – Report for October.

- iii. **Superintendent's Report** – Summary of October Activities.
- iv. **General Manager's Report** – Summary of October Activities.
- v. **District Financial Summary** – Summary of October Financials.
- vi. **District Counsel's Report** – Summary of October Activities.
- vii. **Board Member Report** – Summary of October Activities.

B. AD-HOC & STANDING COMMITTEE REPORTS:

- i. **Status Update** – Budget Committee (2 vacancies).
- ii. **Status Update** – Water Committee (3 vacancies)
- iii. **Status Update** – Camping Ordinance on District Streets
- iv. **Status Update** – CHRP (WWTP relocation) Dudek Public Outreach

Public Comment – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Special Presentations and Reports. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes or less with additional time at the discretion of the Chair.

4. CONSENT AGENDA ITEMS:

Public Comment – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Consent Agenda Items. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes or less with additional time at the discretion of the Chair.

- A. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON SEPTEMBER 6, 2022.**
- B. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON SEPTEMBER 20, 2022.**
- C. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**
- D. ADOPTION OF RESOLUTION 22-459 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**
- E. REVIEW AND APPROVAL OF A CONTRACT BETWEEN V&H HOLDINGS AND SSCSD FOR MEETING ROOM USE TO CONDUCT PUBLIC OUTREACH MEETINGS RELATED TO THE COASTAL HAZARD RESPONSE PLAN.**

5. PUBLIC HEARING:

Public Comment – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Public Hearing items. If a member of the public wishes to speak at this time, public comment is limited to three (3) minutes or less with additional time at the discretion of the Chair.

- A. PUBLIC HEARING PURSUANT TO SSCSD ORDINANCE 102 HARDSHIP** – hearing to review water will serve requests based on hardship applications and responses from: Mr. Marcum, Mr. Hurlbert, Mrs. Brajcich, Mrs. Seifert, and Mr. Sansone.

6. BUSINESS ACTION ITEMS:

Public Comment – Public comment will be allowed for each individual business item. Members of the public wishing to speak on business items may do so when recognized by the Chairperson. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes or less for each business item, with additional time at the discretion of the Chair.

A. DISCUSSION, REVIEW AND APPROVAL OF THE STILLWATER INFLOW STREAM MANAGEMENT STUDY.

B. DISCUSSION, REVIEW AND APPROVAL TO RE-PAVE APPROXIMATELY 75' X 25' AND RE-CURB 75' OF THE SSCSD OWNED PORTION OF SAN SIMEON AVENUE NOT TO EXCEED \$25,000.

C. DISCUSSION, REVIEW AND APPROVAL FOR CHAIRPERSON KELLAS TO RESPOND TO MOUCHAWAR LETTER REGARDING THEIR POSITION AND EDUS ON THE SSCSD WAITLIST.

D. DISCUSSION, REVIEW AND APPROVAL OF GRACE ENVIRONMENTAL OPERATIONS & MANAGEMENT CONTRACT EXTENSION FOR OPERATIONS, MAINTENANCE AND GENERAL MANAGER SERVICES.

E. DISCUSSION, REVIEW AND APPROVAL OF INDEMNIFICATION FOR GRACE ENVIRONMENTAL, (GES) COSTS INCURRED AS A RESULT OF THE DISTRICT ATTORNEY INVESTIGATION RELATED TO THE SSCSD / GES CONTRACT.

7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS – Requests from Board members to Staff to receive feedback, prepare information, and/or place an item on a future agenda(s).

8. ADJOURNMENT –

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Board within 72 hours of a regular meeting, relating to each item of business on the agenda are available for public inspection during regular business hours in the District office, 111 Pico Avenue, San Simeon. If requested, this agenda shall be made available in appropriate alternative formats to persons with a disability, as required by the Americans with Disabilities Act. To make a request for a disability-related modification or accommodation, contact the Office Administrator at 805-927-4778 as soon as possible and at least 48 hours prior to the meeting date. This agenda was prepared and posted pursuant to Government Code Section 54954.2.

**3.A.iii. Special Presentations and Reports:
Superintendent Reports**



SUPERINTENDENT'S REPORT

Item 3.A.ii

1. Wastewater Treatment Plant

- Sampling, testing, and reporting at the Wastewater Treatment Plant was performed as required by the Regional Water Quality Control Board (RWQCB).
- The monthly report was submitted to the State Water Resources Control Board (SWRCB).

2. Water Treatment and Distribution System

- Sampling, testing, and reporting was performed as required by the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW).
- The monthly report was submitted to the SWRCB, DDW.
- Monthly water meter reading was performed.
- Repaired and Replaced the Water Service line to the Wampum Trading Post
- RO Main Control Battery Backup was repaired.

3. District and Equipment Maintenance

- Staff continues with the scheduled preventive maintenance for the equipment at the facilities.
- District SCADA equipment was updated.
- Reservoir Float Alarms were replaced.

San Simeon Community Services District

Superintendent's Report

October 2022

MONTHLY DATA REPORT

Date	Day	Wastewater Influent Daily Flow	Wastewater Effluent Daily Flow	Well 1 Total Daily Produced	Well 2 Total Daily Produced	Total Daily Water Produced	R.O. Daily Influent Flow	R.O. Daily Effluent Flow	R.O. Daily Brine Flow	Distribution Chloride	Chloride Wells 1 2	Recycled Water Distributed	Water Level Well 1	Water Level Well 2	Rainfall in Inches	State Flows	
10/01/21	Friday	62,652	69,200	71,210	0	71,210	0	0	0	-	-	0	13.5	13.3	0.00	1,787	
10/02/21	Saturday	60,575	66,840	77,343	50,415	127,758	0	0	0	-	-	0	13.5	13.2	0.00	2,095	
10/03/21	Sunday	54,619	58,720	0	823	823	0	0	0	-	-	0	13.5	13.2	0.00	1,713	
10/04/21	Monday	51,337	53,930	66,273	1,122	67,395	0	0	0	-	-	0	13.5	13.2	0.00	1,334	
10/05/21	Tuesday	47,228	55,890	63,430	0	63,430	0	0	0	56	93	30	13.6	13.3	0.00	1,335	
10/06/21	Wednesday	39,666	44,220	58,643	66,422	125,066	0	0	0	-	-	0	13.6	13.3	0.00	1,790	
10/07/21	Thursday	57,609	66,020	0	0	0	0	0	0	-	81	30	13.6	13.3	0.00	2,250	
10/08/21	Friday	66,992	73,600	86,918	0	86,918	0	0	0	-	-	0	13.6	13.2	0.00	1,615	
10/09/21	Saturday	78,018	81,780	89,760	0	89,760	0	0	0	-	-	0	13.6	13.3	0.00	1,938	
10/10/21	Sunday	63,997	70,600	74,725	0	74,725	0	0	0	-	-	0	13.7	13.4	0.00	2,033	
10/11/21	Monday	60,156	63,620	77,942	119,456	197,397	0	0	0	73	83	-	13.7	13.4	0.00	1,345	
10/12/21	Tuesday	51,406	57,960	0	3,067	3,067	0	0	0	-	-	0	13.7	13.4	0.00	1,840	
10/13/21	Wednesday	56,009	61,070	0	16,755	16,755	0	0	0	-	-	0	13.7	13.4	0.00	1,768	
10/14/21	Thursday	54,266	62,940	77,867	54,305	132,172	0	0	0	81	125	-	-	-	0.00	1,242	
10/15/21	Friday	60,266	65,140	0	79,064	79,064	0	0	0	81	-	83	13.7	13.4	0.00	1,596	
10/16/21	Saturday	65,181	67,910	0	0	0	0	0	0	-	-	91	13.7	13.4	0.00	1,712	
10/17/21	Sunday	61,200	65,170	55,801	0	55,801	0	0	0	-	125	-	13.7	13.4	0.00	1,030	
10/18/21	Monday	55,662	58,700	8,303	0	8,303	0	0	0	103	93	-	13.7	13.4	0.00	492	
10/19/21	Tuesday	47,451	52,580	4,638	126,861	131,498	0	0	0	101	-	89	13.7	13.4	0.00	1,081	
10/20/21	Wednesday	47,612	54,000	44,656	15,633	60,289	0	0	0	-	-	-	13.7	13.4	0.00	2,852	
10/21/21	Thursday	30,963	50,970	44,730	35,455	80,186	11,000	8,434	2,566	111	145	-	13.8	13.5	0.00	1,634	
10/22/21	Friday	61,133	66,660	51,986	0	51,986	0	0	0	-	-	-	13.7	13.5	0.00	1,917	
10/23/21	Saturday	59,350	65,670	80,260	1,945	82,205	0	0	0	-	-	-	13.8	13.4	0.00	2,203	
10/24/21	Sunday	47,751	52,040	0	52,285	52,285	0	0	0	123	-	63	13.8	13.3	0.00	1,920	
10/25/21	Monday	54,946	60,570	0	108,535	108,535	0	0	0	137	162	-	13.8	13.3	1.56	1,149	
10/26/21	Tuesday	38,885	46,030	0	65,226	65,226	0	0	0	149	-	162	13.8	13.5	0.08	1,276	
10/27/21	Wednesday	54,697	60,820	224	66,273	66,497	0	0	0	149	-	149	13.8	13.4	0.00	1,355	
10/28/21	Thursday	62,374	55,880	0	25,507	25,507	0	0	0	149	149	149	13.8	13.3	0.00	1,471	
10/29/21	Friday	52,241	58,520	0	68,741	68,741	0	0	0	-	-	-	13.9	13.4	0.00	1,597	
10/30/21	Saturday	52,864	59,200	0	68,218	68,218	0	0	0	-	-	-	13.9	13.5	0.00	1,407	
10/31/21	Sunday	46,362	51,290	299	58,718	59,017	0	0	0	176	239	162	13.9	13.7	0.00	3,772	
TOTALS		1,703,468	1,877,540	1,035,008	1,084,824	2,119,832	11,000	8,434	2,566				0		1.64	52,549	
Average		54,951	60,566	33,387	34,994	68,382	355	272	83	115	130	101	0	13.7	13.4	0.05	1,695
Minimum		30,963	44,220	0	0	0	0	0	0	56	81	30	0	13.5	13.2	0.00	492
Maximum		78,018	81,780	89,760	126,861	197,397	11,000	8,434	2,566	176	239	162	0	13.8	13.7	1.56	3,772

DATA SUMMARY SHEET

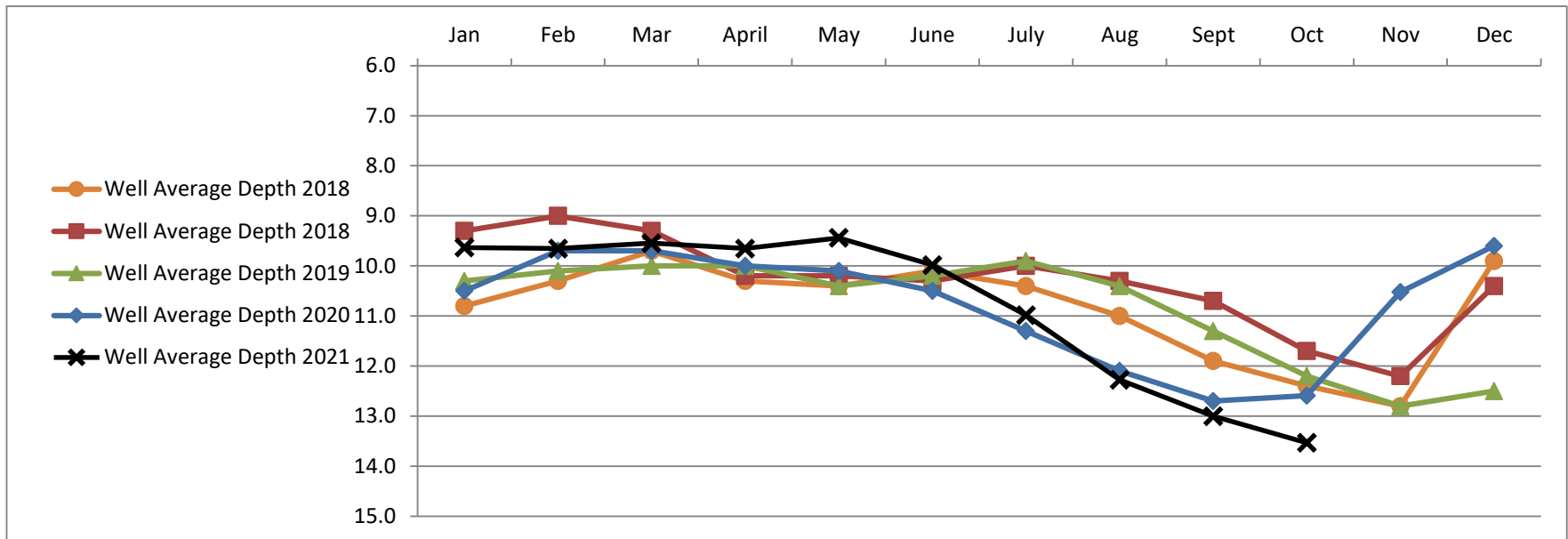
2022													
	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Total for 2022
Wastewater Influent	1,571,222	1,389,949	1,589,863	1,719,101	1,798,328	2,016,224	2,377,922	2,144,776	1,831,090	1,703,468			18,141,943
Wastewater Final Effluent (Month Cycle)	1,649,170	1,498,768	1,725,410	1,871,010	1,996,900	2,172,360	2,440,050	2,149,140	1,989,820	1,877,540			19,370,168
Adjusted Wastewater Influent (- State Flow)	1,522,839	1,356,607	1,549,685	1,690,058	1,608,515	1,780,084	2,203,484	2,090,258	1,774,814	1,650,919			17,227,263
Water Produced (month cycle)	1,683,299	1,654,800	1,924,903	2,059,394	2,175,259	2,390,458	2,811,134	2,445,960	2,414,544	2,119,832			21,679,583
Sewer Influent/Water Produced Ratio	0.93	0.84	0.83	0.84	0.83	0.84	0.85	0.88	0.76	0.80			N/A
Adusted Sewer/Water Produced Ratio	0.91	0.82	0.81	0.82	0.74	0.74	0.78	0.85	0.74	0.78			N/A
Well 1 Water Production	798,864	892,663	1,308,402	1,210,189	1,818,687	2,225,599	2,698,709	2,221,111	2,332,713	1,035,008			16,541,945
Well 2 Water Production	884,435	762,137	616,502	849,204	356,572	164,859	112,424	224,849	81,831	1,084,824			5,137,638
Total Well Production	1,683,299	1,654,800	1,924,903	2,059,394	2,175,259	2,390,458	2,811,134	2,445,960	2,414,544	2,119,832			21,679,583
Water Well 1 Avg Depth to Water	9.8	9.8	9.7	9.8	9.6	10.1	11.1	12.4	13.1	13.7			N/A
Water Well 2 Avg Depth to Water	9.4	9.5	9.4	9.5	9.3	9.9	10.9	12.2	12.9	13.4			N/A
Average Depth to Water of Both Wells	9.6	9.7	9.5	9.7	9.4	10.0	11.0	12.3	13.0	13.5			N/A
Change in Average Depth to Water from 2021	-0.9	0.0	-0.2	-0.3	-0.7	-0.5	+1.1	+1.9	+1.7	+0.8			N/A
Average Chloride mg/L at the Wells	<30	36	35	32	<30	<30	<30	<30	39	115			N/A
State Wastewater Treated	48,383	33,342	40,178	29,043	189,813	236,140	174,439	54,518	56,276	52,549			914,680
State % of Total WW Flow	3%	2%	3%	3%	11%	12%	7%	3%	3%	3%			N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0			0
Biosolids Removal (Gallons)	0	4,500	4,500	0	4,500	9,000	13,500	0	4,500	4,500			45,000
WW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0	0			0
RW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0	0			0
Constituent Exceeded	None	None	None	None	None	None	None	None	None	None			N/A
Sample Limit	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A
Sample Result	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A			N/A
2021													
	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total for 2021
Wastewater Influent	2,399,103	1,705,622	1,820,175	1,763,875	1,619,717	1,901,547	2,158,434	1,943,680	1,675,426	1,703,610	1,507,913	2,546,220	22,745,322
Wastewater Final Effluent (Month Cycle)	2,546,130	1,747,000	1,874,290	1,827,000	1,826,280	2,057,550	2,281,620	1,997,150	1,837,180	1,801,220	1,613,060	2,699,710	24,108,190
Adjusted Wastewater Influent(- State Flow) *	2,148,485	1,645,420	1,765,245	1,705,967	1,552,211	1,825,611	2,078,540	1,854,274	1,603,573	1,644,544	1,471,062	2,368,128	21,663,060
Water Produced (month cycle)	1,851,150	1,682,402	1,907,250	2,114,147	2,080,786	2,385,297	2,699,083	2,171,145	2,100,384	1,955,870	1,743,588	1,887,877	24,578,981
Sewer Influent/Water Produced Ratio	1.30	1.05	0.95	0.83	0.78	0.80	0.88	0.92	0.80	0.87	0.87	1.35	N/A
Adusted Sewer/Water Ratio	1.16	0.95	0.93	0.81	0.75	0.77	0.85	0.90	0.78	0.84	0.84	1.25	N/A
Average Depth of Both Wells	10.5	9.7	9.7	10.0	10.1	10.5	9.9	10.4	11.3	12.7	10.6	9.7	N/A
Change in Average Depth to Water from 2020	-0.2	0.4	0.3	0.0	0.3	-0.3	0.0	0.0	0.0	-0.5	2.2	2.8	N/A
Average Chloride mg/L at the Wells	352	169	77	41	31	30	-	-	-	<30	41	37	N/A
State Wastewater Treated	250,618	60,202	125,914	57,908	67,506	75,936	79,894	89,406	71,853	59,066	36,851	178,092	1,153,246
State % of Total WW Flow	10%	4%	7%	3%	4%	4%	4%	5%	4%	3%	2%	7%	N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0	0	0	0
Biosolids Removal (Gallons)	0	4,500	0	4,500	9,000	4,500	9,000	0	4,500	22,500	0	0	58,500
WW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0	0	0	0	N/A
RW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0	0	0	0	N/A
Constituent Exceeded	None	None	None	None	None	None	None	None	None	None	None	None	N/A
Sample Limit	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sample Result	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

San Simeon Community Services District

Superintendent's Report

October 2022

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Well Average Depth 2018	10.8	10.3	9.7	10.3	10.4	10.1	10.4	11.0	11.9	12.4	12.8	9.9
Well Average Depth 2019	9.3	9.0	9.3	10.2	10.2	10.3	10.0	10.3	10.7	11.7	12.2	10.4
Well Average Depth 2020	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.4	11.3	12.2	12.8	12.5
Well Average Depth 2021	10.5	9.7	9.7	10.0	10.1	10.5	11.3	12.1	12.7	12.6	10.5	9.6
Well Average Depth 2022	9.6	9.7	9.5	9.7	9.4	10.0	11.0	12.3	13.0	13.5		



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**3.A.iv. Special Presentations and Reports:
General Manager's Report
Charlie Grace**



GENERAL MANAGER'S REPORT

Item 3.A.iv.

GES Staff Activity – Report on staff activities for the month of October 2022. Regular activities performed by staff include:

Processing of utility payments, customer service duties, answering phone calls, mailing of the regular monthly utility bills. Prepared and distributed a Regular Board meeting agenda.

GES Staff also attended to the following items:

- Responded to ten (10) written public records requests.
- Assisted Moss, Levy, and Hartzheim with documents needed to finalize the draft version of the FY22 audit.
- Received attached complaint from Director Donahue.

Update on District Grants:

LCP Grant – Submitted invoices for reimbursement.

Prop 1 Grant – San Simeon CSD tank project is no longer being considered as eligible for the grant.

Update on District Projects and RFP's:

Update on the Instream Flow Management Plan – In progress.

Update on the Rate Study – In progress.

Update on the Hearst Encroachment Agreement – In progress; the Wildlife Conservation Board is reviewing.

Update on the Water Tank Project – Discussed timing of easement with the property owner. Priority is the Reverse Osmosis Hearst Encroachment Agreement completion mentioned above.

Update on Steps for lifting Moratorium (presented at the October 2020 Board meeting).

Steps for Removal of Water Service Moratorium

1. ~~Contact persons on the water waitlist regarding continues plans to develop~~ (Completed)

2. ~~Development of Instream Flow Management Plan (IFMP) and Program to Accommodate Affordable Housing (North Coast Plan) (Completed 11/2022).~~
3. ~~Conduct an Environmental review and analysis California Environmental Quality Act (CEQA). (UWMP and IFMP may satisfy CEQA) (UWMP is complete, IFMP is complete).~~
4. ~~Conduct a Source Capacity Planning Study required by the State Water Resources Control Board, Division of Drinking Water. (Found not to be a requirement).~~
5. ~~Review and (potentially) modify the District's Ordinance 117 regarding water conservation. (No modification is necessary).~~
6. ~~Develop process for reviewing and processing requests for will serve letters (in progress anticipated that a draft will serve letter was presented at the June Board meeting).~~
7. ~~Administrative Process to Repeal District Ordinance 102 — Water Connection Moratorium (in progress, the draft Ordinance 124 presented at the July meeting and is being presented at an August 30 meeting). (Draft Ordinance 124 failed a first reading on two occasions).~~
8. ~~Implement system of periodic review of water availability (currently described in Resolution 20-426, 4a).~~



Charles Grace <cgrace@graceenviro.com>

Formal complaint per 17.02

1 message

Michael Donahue <mcdon1122@gmail.com>
To: Charles Grace <cgrace@graceenviro.com>
Cc: Gwen Kellas <gkellas@sansimeoncsd.org>

Thu, Oct 13, 2022 at 12:02 PM

Hi Charlie,

Hi Charlie,

I am a Director I don't need to do this. Out of respect for Gwen I am following the letter of 17.02.

17.02 Number 2. is not applicable.

17.02 Number 3 requires you to respond and if I am not satisfied this matter must be considered by the full Board. Please respond within 10 days.

17.02 Number 4 I expect this matter to be on the November agenda.

Michael

17.02 Method of Handling General Public Complaints Against the District. The method of resolving complaints shall be as follows:

1. The individual with a complaint shall first discuss the matter with the General Manager or Office Manager with the objective of resolving the matter informally.
2. If the complaint refers to the General Manager, it will be referred to the Board Chairperson with the objective of resolving the matter informally.
3. If the individual filing the complaint is not satisfied with the disposition of the matter by the General Manager or Board Chairperson, a written complaint may be filed with the Board of Directors within ten (10) days of receiving the General Manager's or Chairperson's decision.
4. The Board may consider the matter at the next regular meeting or call a special meeting. The Board will expeditiously resolve the matter. In making the final decision, the Board may conduct conferences, hear testimony, as well as utilize the transcripts of

written documentation. A written decision from the Board may be requested by the individual filing the complaint.

This policy in no way prohibits nor is intended to deter a member of the community or staff member from appearing before the Board to present verbally a testimony, complaint, or

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statement in regard to actions of the Board, District programs and services, or impending considerations of the Board.

Oct 2,

Dear Fellow Directors, General Manager, and District Counsel,

On August 30, 2022, when I was out the country, during Special Closed Session, the Board authorized District Counsel to proceed with settlement negotiations with the Cavalier Inn Corp. and V&H Holdings. You also authorized Chair Kellas to sign this agreement without further board, public or outside legal counsel review. After a month, and a failed request for a copy of the final settlement agreement and executed will serve letter from the general manager, I was able to view these documents that were provided to me by a concerned citizen of San Simeon.

To my surprise and disappointment, I see that on August 31st, the day following that closed session, a detailed settlement agreement was reached, and a will serve letter was issued five days later for 145 motel rooms, 1 - 2,400 sq. ft. restaurant, along with an exclusive allocation of 11.8-acre feet per year (AFY) of the district's potable water supply which is unheard of for our community. The 11.8 AFY, or 10,527 gallons per day, comprises 32% of the available water for new development.

My attention was drawn to this matter, when the nearly \$678,000 V&H holdings deposit check appeared in the August financial statements as a deposit. Then I personally observed a water meter being installed on the V&H Holdings property. No mention of this important, potentially precedent setting, settlement and will serve letter was made at the most recent September 20th Board meeting.

The moratorium adopted in Ordinance 102, remains in place. You are all aware that proposed Ordinance 124, which would have partially lifted the moratorium, did not successfully make it through its first reading and has not to this day. Enactment of Ordinance 124 requires two public hearings publication in a local paper of record, and a 30-day waiting period before it is effective. Proposed Ordinance 124 has NOT been approved by the Board and is not in effect at this time, nor was it in effect at the time Chair Kellas approved the settlement.

No hardship claim was made, or public hearing held for a hardship request for Cavalier and V&H Holdings to obtain will serve letter as required by Ordinance 102. This is the only option under the present Ordinance 102 to issue a will serve letter. No lawsuit was filed in State or Federal Court. No settlement was approved by any court action taken requiring the district issue a will serve letter. Additionally, the district Ordinances and waitlists are based on Equivalent Dwelling Units (EDUs). Nowhere in the district policies and procedures or past ordinances related to the moratorium, is water allocated on an Acre Feet per Year (AFY) basis to parties or for projects.

Repeated requests were made to have independent outside counsel review proposed Ordinance 124 and any settlement or will serve letter. Demands were also made to review the capacity charges for water and sewer connections, because those charges appeared to be improperly calculated and severely understated.

Despite all of this, you proceeded denying final review by all the directors and withholding public disclosure and disclosure to myself, a director of the San Simeon CSD Board.

Ultimately, what you did by executing the settlement agreement and issuance of the will serve letter was a knowing and willful violation of the present district moratorium Ordinance(s). This is illegal. Government Code Section 61064 (a) is clear: "*Violation of any rule, regulation, or ordinance adopted by a board of directors is a misdemeanor punishable pursuant to Section 19 of the Penal Code.*"

Contracts made in violation of the law are void. What you have done calls into question the validity of the Cavalier Inn Corp. and V&H Holdings settlement agreement and will serve letter.

An independent legal review and investigation is demanded of what has happened here. In my opinion, it is highly likely that you committed a misdemeanor violation of State law during the making of this settlement agreement. If so, as stated above, the settlement agreement and will serve letter are void ab initio.

Please consider this a formal complaint.

Sincerely,
Michael Donahue
Director, San Simeon Community Services District

Cc: District Attorney Dan Dow

Deputy District Attorney Kenneth Jorgensen

**3.A.V. Special Presentations and Reports:
District Financial Summary**

SAN SIMEON COMMUNITY SERVICES DISTRICT



3.A.iv FINANCIAL SUMMARY

Billing October 31, 2022

September Billing Revenue	\$	105,160.99
October Billing Revenue	\$	93,045.98
Past Due (60+ days)	\$	1,280.53

ENDING BANK BALANCES

October 31, 2022

PACIFIC PREMIER BANK:

Money Market Account Closing Balance September 30, 2022	\$	1,670,701.91
Interest for October	\$	283.86
Money Market Account Closing Balance October 31, 2022	\$	1,670,985.77

Reserve Fund	(250,000.00)
*Wait-list Deposits	(772,637.60)
Customer Deposits	(8,500.00)
Available Funds	\$ 639,848.17

General Checking Account October 31, 2022 \$ 211,771.09

***LAIF Closing Balance October 31, 2022** \$ 565.03

Interest Money Market Account 2019	\$	22,529.11
Interest Money Market Account 2020	\$	12,206.44
Interest Money Market Account 2021	\$	1,104.91
Interest Money Market Account 2022	\$	810.39

* Staff is continuing to finalize the LAIF Transfer

SAN SIMEON COMMUNITY SERVICES DISTRICT

Balance Sheet

As of October 31, 2022

	<u>Oct 31, 22</u>
ASSETS	
Current Assets	
Checking/Savings	
1010 · Petty cash	150.00
1015 · Pac Prem Ckg-6603	184,082.54
1017 · Money Market PPBI	
1017a · Pac Prem - Mon Mkt Unrestricted	79,290.35
1017b · USDA short lived asset fund	5,000.00
1017c · USDA Reserve for Annual Pymt	20,690.00
1017d · Operating Reserves	340,000.00
1017e · Reserves-Capital Rehab & Replac	448,076.82
1017f · Capacity Fees Held	678,999.00
1017g · Wait List deposits held	92,414.60
1017h · Customer security deposits held	8,200.00
Total 1017 · Money Market PPBI	<u>1,672,670.77</u>
1050 · LAIF - non-restricted cash	563.11
Total Checking/Savings	<u>1,857,466.42</u>
Other Current Assets	
1200 · Accounts receivable default	109,513.67
1220 · A/R - Hearst Castle	6,238.09
1300 · Prepaid insurance expense	7,845.72
Total Other Current Assets	<u>123,597.48</u>
Total Current Assets	<u>1,981,063.90</u>
Fixed Assets	
1400 · Fixed assets	
1420 · Building and structures	279,580.67
1500 · Equipment	
1500a · Equip-PA System	7,591.16
1500b · Equip-Muffin Monster	5,098.32
1500 · Equipment - Other	0.45
Total 1500 · Equipment	<u>12,689.93</u>
1560 · Pipe bridge	29,497.00
1580 · Sewer plant	869,352.16
1590 · Sewer plant equipment	12,468.83
1600 · Water system	235,615.43
1620 · WWTP expansion	299,565.92
1630 · Tertiary Project	568,063.00
1640 · Wellhead Rehab Project	448,253.95
1650 · Walkway access projects	26,791.00
1660 · RO Unit	948,021.38
1680 · Generator	18,291.00
Total 1400 · Fixed assets	<u>3,748,190.27</u>
1450 · Construction in Progress	
1670 · Reservoir / Water Tanks	287,693.56
Total 1450 · Construction in Progress	<u>287,693.56</u>
1690 · Accumulated depreciation	<u>(1,661,859.64)</u>
Total Fixed Assets	<u>2,374,024.19</u>
TOTAL ASSETS	<u><u>4,355,088.09</u></u>

SAN SIMEON COMMUNITY SERVICES DISTRICT

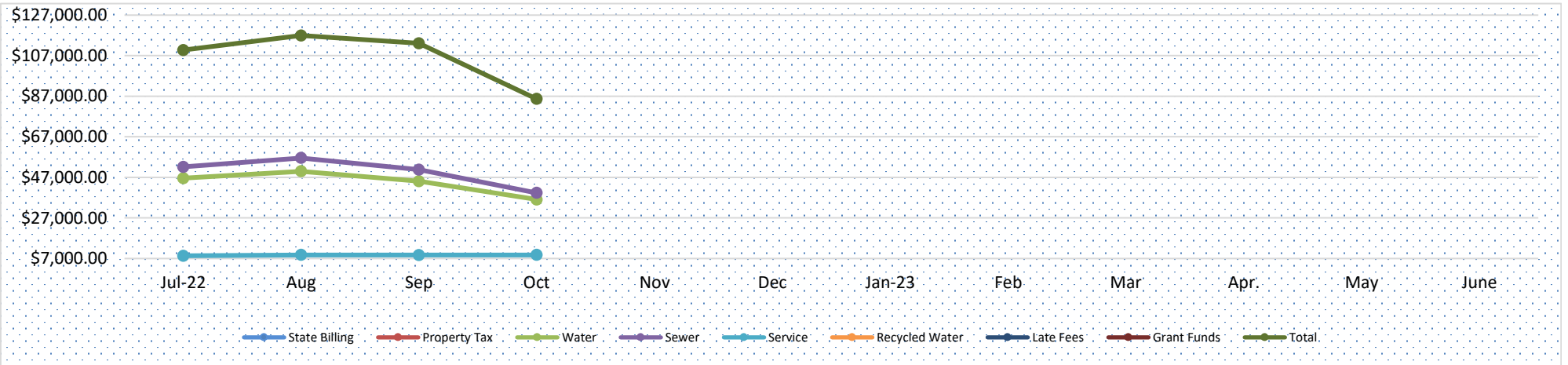
Balance Sheet

As of October 31, 2022

	<u>Oct 31, 22</u>
LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2500 · Customer security deposits	8,300.00
2510 · Connect hookup wait list	93,538.60
2515 · Unearned Revenue- Capacity Fees	678,999.00
Total Other Current Liabilities	<u>780,837.60</u>
Total Current Liabilities	<u>780,837.60</u>
Long Term Liabilities	
2520 · USDA Loan Principal Bal	<u>425,547.53</u>
Total Long Term Liabilities	<u>425,547.53</u>
Total Liabilities	1,206,385.13
Equity	
3200 · Fund balance (= PY Net Inc)	(149,755.72)
3201 · Net Investment in Capital Asset	2,061,612.00
3204 · BOD Assigned-Rehab & Replace	
3204G · Board Assigned for General CIP	50,051.03
3204S · Board Assigned for WW CIP	199,047.69
3204W · Board Assigned for Water CIP	198,978.10
Total 3204 · BOD Assigned-Rehab & Replace	<u>448,076.82</u>
3207 · BOD Assigned for Oper Reserves	
3207G · Op Reserves -Gen Fd	40,000.00
3207S · Op Reserves - Sewer Fd	150,000.00
3207W · Op Reserves - Water Fd	150,000.00
Total 3207 · BOD Assigned for Oper Reserves	<u>340,000.00</u>
3211 · Restricted-USDA Annual Loan Pmt	20,690.00
3212 · Restricted-USDA Short Liv Ass	5,000.00
3220 · Unrestricted-Undesignatd Equity	338,950.38
Net Income	<u>84,129.48</u>
Total Equity	<u>3,148,702.96</u>
TOTAL LIABILITIES & EQUITY	<u><u>4,355,088.09</u></u>

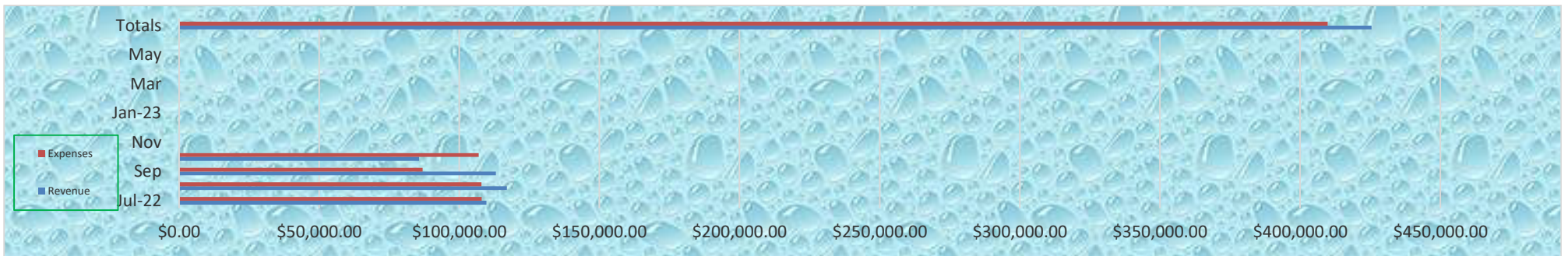
DISTRICT REVENUE FY 2021/2022

	Jul-22	Aug	Sep	Oct	Nov	Dec	Jan-23	Feb	Mar	Apr.	May	June	Totals
State Billing			\$6,238.09										\$6,238.09
Property Tax	\$1,155.48	\$1,181.01	\$1,373.09	\$62.27									\$3,771.85
Water	\$46,591.56	\$50,027.56	\$45,188.80	\$36,147.17									\$177,955.09
Sewer	\$52,231.30	\$56,585.04	\$50,804.24	\$39,404.66									\$199,025.24
Service	\$8,391.83	\$8,833.46	\$8,790.97	\$8,833.46									\$34,849.72
Recycled Water													\$0.00
Late Fees	\$1,359.93	\$351.81	\$657.37	\$1,280.53									\$3,649.64
Grant Funds	\$0.00	\$0.00	\$0.00	\$0.00									\$0.00
Total	\$109,730.10	\$116,978.88	\$113,052.56	\$85,728.09									\$425,489.63
Water Sold Cu Ft	323170	325550	294504	234854									1178078
Water Sold Acre ft	7.42	7.47	6.76	5.39									27.05



REVENUE VS EXPENSES

	Jul-22	Aug	Sep	Oct	Nov	Dec	Jan-23	Feb	Mar	Apr.	May	June	Totals
Revenue	\$109,730.10	\$116,978.88	\$113,052.56	\$85,728.09									\$425,489.63
Expenses	\$108,042.12	\$107,950.12	\$86,903.09	\$106,925.30									\$409,820.63
Balance	\$1,687.98	\$9,028.76	\$26,149.47	(\$21,197.21)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$15,669.00



**SAN SIMEON COMMUNITY SERVICES
HISTORICAL FISCAL REVIEW**

FY 2019/2020

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$25,528.71			\$22,455.35			\$15,776.54			\$7,016.19	\$70,776.79
Property Tax	\$1,218.61	\$2,752.21	\$3,126.48	\$5,305.64	\$6,019.52	\$23,503.23	\$13,612.60	\$5,282.91	\$2,659.00	\$15,436.18	\$9,385.45	\$916.22	\$89,218.05
Water	\$41,718.97	\$39,623.52	\$40,324.01	\$43,808.36	\$32,208.00	\$23,432.56	\$33,732.14	\$34,067.23	\$24,268.55	\$17,909.86	\$28,582.31	\$36,460.31	\$396,135.82
Sewer	\$48,137.21	\$45,503.27	\$45,161.69	\$48,244.57	\$34,916.02	\$26,527.95	\$39,321.56	\$39,368.21	\$27,637.52	\$19,243.28	\$29,934.22	\$37,683.06	\$441,678.56
Service	\$7,113.60	\$7,045.20	\$7,079.40	\$7,451.10	\$7,489.26	\$7,344.54	\$7,525.44	\$7,453.08	\$7,489.26	\$7,489.26	\$7,489.26	\$7,453.08	\$88,422.48
Recycled Water													\$0.00
Late Fees	\$1,957.04	\$2,399.24	\$1,407.87	\$468.45	\$316.84	\$1,136.41	\$237.28	\$307.96	\$2,793.44	\$5,540.71	\$4,647.78	\$3,802.45	\$25,015.47
Grant Funds			\$8,750.00	\$167,376.61						\$1,485.90		\$8,369.50	\$185,982.01
Revenue	\$100,145.43	\$97,323.44	\$122,628.16	\$105,278.12	\$80,949.64	\$104,400.04	\$94,429.02	\$86,479.39	\$80,624.31	\$65,619.29	\$80,039.02	\$93,331.31	\$1,111,247.17
Expense	\$90,205.84	\$67,705.50	\$94,401.58	\$97,595.50	\$87,822.01	\$86,173.97	\$85,716.44	\$75,643.11	\$62,582.54	\$73,942.83	\$90,232.61	\$79,762.52	\$991,784.45
Balance	\$9,939.59	\$29,617.94	\$28,226.58	\$7,682.62	(\$6,872.37)	\$18,226.07	\$8,712.58	\$10,836.28	\$18,041.77	(\$8,323.54)	(\$10,193.59)	\$13,568.79	\$119,462.72
Water Sold Cu Ft	336845	319458	323518	329822	242893	179311	260006	261505	185972	137196	217871	274085	3,068,482
Water Sold Acre ft	7.73	7.33	7.43	7.57	5.58	4.12	5.97	6.00	4.27	3.15	5.00	6.29	70.44

FY 2020/2021

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$4,898.26			\$4,898.26			\$9,978.14			\$5,654.87	\$25,429.53
Property Tax	\$2,336.92	\$751.11	\$11.88	\$6,945.71	\$5,461.44	\$26,458.17	\$12,827.64	\$1,063.98	\$5,505.65	\$8,582.80	\$15,086.53	\$2,262.87	\$87,294.70
Water	\$40,209.97	\$54,512.44	\$41,179.63	\$40,129.44	\$30,132.26	\$30,099.00	\$31,207.86	\$28,567.08	\$27,866.11	\$39,907.47	\$31,637.78	\$39,875.45	\$435,324.49
Sewer	\$45,546.00	\$60,488.59	\$45,320.14	\$44,227.62	\$32,486.93	\$31,269.68	\$29,285.81	\$31,276.88	\$30,546.56	\$44,784.48	\$34,717.31	\$44,261.59	\$474,211.59
Service	\$7,830.48	\$7,834.18	\$7,910.24	\$7,872.17	\$8,062.36	\$7,948.27	\$7,910.24	\$7,910.24	\$7,834.18	\$7,796.15	\$7,910.24	\$7,872.21	\$94,690.96
Recycled Water	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Late Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Grant Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Revenue	\$95,923.37	\$123,586.32	\$99,320.15	\$99,174.94	\$76,142.99	\$100,673.38	\$81,231.55	\$68,818.18	\$81,730.64	\$101,070.90	\$89,351.86	\$99,926.99	\$1,116,951.27
Expense	\$87,144.37	\$81,902.63	\$114,623.38	\$160,041.02	\$98,357.85	\$137,804.21	\$111,151.88	\$106,602.36	\$84,771.53	\$71,795.69	\$91,754.68	\$72,434.79	\$1,218,384.39
Balance	\$8,779.00	\$41,683.69	(\$15,303.23)	(\$60,866.08)	(\$22,214.86)	(\$37,130.83)	(\$29,920.33)	(\$37,784.18)	(\$3,040.89)	\$29,275.21	(\$2,372.82)	\$27,492.20	(\$101,403.12)
Water Sold Cu Ft	292033	387244	297886	291236	218802	217498	215864	209660	203888	291683	230285	288809	3,144,888
Water Sold Acre ft	6.70	8.89	6.84	6.69	5.02	4.99	4.96	4.81	4.68	6.70	5.29	6.63	72.20

FY 2021/2022

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$6,340.85			\$7,273.93			\$7,273.93				\$20,888.71
Property Tax	\$115.78	\$1,381.14	\$10.01	\$5,809.34	\$11,583.42	\$7,622.03	\$163,743.57	\$4,095.69	\$4,104.27	\$14,321.21	\$12,933.74		\$225,720.20
Water	\$49,269.78	\$36,018.10	\$36,656.78	\$37,820.36	\$34,769.42	\$30,061.95	\$27,060.11	\$31,533.31	\$30,350.63	\$38,738.36	\$36,177.32	\$41,905.35	\$430,361.47
Sewer	\$55,516.22	\$40,331.83	\$40,336.81	\$42,047.97	\$38,874.20	\$35,068.70	\$30,298.87	\$35,079.28	\$33,573.78	\$44,078.35	\$39,679.66	\$47,223.70	\$482,109.37
Service	\$7,910.24	\$7,834.18	\$7,977.48	\$8,080.85	\$8,272.49	\$8,272.49	\$8,272.49	\$8,232.71	\$8,272.49	\$8,232.71	\$8,312.27	\$8,232.71	\$97,903.11
Recycled Water	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00
Late Fees	\$2,349.85	\$3,168.75	\$2,222.38	\$3,159.93	\$1,854.16	\$1,966.24	\$3,291.71	\$2,803.97	\$211.71	\$2,566.37	\$1,996.72	\$1,813.47	\$27,405.26
Grant Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Revenue	\$115,161.87	\$88,734.00	\$93,544.31	\$96,918.45	\$95,353.69	\$90,265.34	\$232,666.75	\$81,744.96	\$83,786.81	\$107,937.00	\$99,099.71	\$99,175.23	\$1,284,388.12
Expense	\$95,803.89	\$75,209.49	\$80,233.53	\$84,995.77	\$103,695.19	\$90,282.75	\$103,403.23	\$102,972.34	\$153,478.50	\$111,977.33	\$101,809.55	\$101,809.55	\$1,205,671.12
Balance	\$19,357.98	\$13,524.51	\$13,310.78	\$11,922.68	(\$8,341.50)	(\$17.41)	\$129,263.52	(\$21,227.38)	(\$69,691.69)	(\$4,040.33)	(\$2,709.84)	(\$2,634.32)	\$78,717.00
Water Sold Cu Ft	357524	261467	253458	262346	241618	210787	189269	219034	211521	270041	249738	291510	3,018,313
Water Sold Acre ft	8.21	6.00	5.82	6.02	5.55	4.84	4.35	5.03	4.86	6.20	5.73	6.69	69.29

3.B. iv. AD-HOC & STANDING COMMITTEE REPORTS:

Coastal Hazards Response Plan (CHRP)

Wastewater Treatment Plant (WWTP) Relocation Informational Flyer

Plan de Respuesta a Peligros Costeros (PRPC)

Folleto informativo de la mudanza de la planta de tratamiento de aguas residuales

Background *Los Antecedentes*

The San Simeon Community Services District and Dudek are developing a CHRP that addresses coastal climate change impacts and builds on previous studies in order to further plan for the relocation of the existing wastewater treatment plant, as mandated by the California Coastal Commission. The goal of this project is to provide the San Simeon community with up-to-date information and collect feedback, in order to collectively plan for resilient development and protect critical infrastructure and coastal resources.

El Distrito de Servicios Comunitarios de San Simeon y Dudek están desarrollando un PRPC que aborda los impactos del cambio climático costero y se basa en estudios previos para planificar por la mudanza de la planta de tratamiento de aguas residuales existente, como mandado por la Comisión Costera de California. El objetivo de este proyecto es proveer información a la comunidad de San Simeón y recoger los comentarios, con el fin de planificar colectivamente el desarrollo resiliente y proteger la infraestructura crítica y los recursos costeros.

Share Your Thoughts! *¡Comparta sus pensamientos!*

We invite you to share your thoughts on this project by attending the meetings listed below and filling out our brief 10-question survey.

Le invitamos a compartir sus pensamientos sobre este proyecto. Puede ir a las reuniones que se enumeran a continuación y completar nuestra encuesta breve de 10 preguntas.

In-Person Meetings *

*Reuniones en persona**

November 2022
January 2023
March 2023
April 2023

SSCSD Board Meetings

Reuniones del Consejo del Distrito

November 8th, 2022
December 12th, 2022
February 14th, 2023
April 11th, 2023

Online Survey

Encuesta en línea



* Exact date and location to be determined. Check the project website for up-to-date information.

** La fecha exacta y el lugar todavía son indeterminados. Consulte el sitio web del proyecto para obtener información actualizada.*

You can also fill out the **printed version of the online survey (enclosed)** and return to Dudek staff at the in-person meetings listed above or mail to: 111 Pico Avenue, San Simeon, CA, 93452.

También puede completar la versión impresa de la encuesta (incluida) y devolverla al personal de Dudek en las reuniones en persona mencionadas anteriormente o enviarla por correo a: 111 Pico Avenue, San Simeon, CA, 93452.

For more information *Para más información:* [www. https://sansimeoncsd.org/projects/](https://sansimeoncsd.org/projects/)

Coastal Hazards Response Plan (CHRP) Wastewater Treatment Plant (WWTP) Relocation Survey

Plan de Respuesta a Peligros Costeros (PRPC)

Encuesta de la mudanza de la planta de tratamiento de aguas residuales

1. How familiar are you with the Coastal Hazards Response Plan?

¿Qué tan familiarizado está con el Plan de Respuesta a Peligros Costeros?

- Familiar *Conocido*
- Somewhat familiar *Un poco conocido*
- Not familiar *No conocido*

2. Would you like to know more about how a wastewater treatment plant operates, including the Federal, State, and local regulations that apply?

¿Le gustaría saber más sobre cómo funciona una planta de tratamiento de aguas residuales, incluidas las regulaciones federales, estatales y locales que se aplican?

- Yes *Sí*
- No *No*

3. Do you understand the coastal hazards and climate change impacts that threaten the existing WWTP site?

Hazard: A physical process or event that can harm human health, livelihood, or natural resources.

Climate Change: Long-term shifts in temperature and weather patterns driven by human activity, primarily due to burning fossil fuels, that have a broad range of effects on the Earth's ecosystems and function.

¿Comprende los peligros costeros y los impactos del cambio climático que amenazan a la planta de tratamiento existente?

Peligro: Un proceso físico o evento que puede dañar la salud humana, el sustento, o los recursos naturales.

Cambio climático: Cambios a largo plazo en las tendencias de la temperatura y la clima producido por la actividad humana, principalmente debido a la quema de los combustibles fósiles, que tienen una amplia gama de efectos en los ecosistemas y la función de la Tierra.

- Yes *Sí*
- No *No*

4. In addition to English, what languages should be reflected in public outreach materials and opportunities to ensure that all community members are engaged?

Además del inglés, qué idiomas se deben usar en los materiales de compromiso con la comunidad y las oportunidades para garantizar que todos los miembros de la comunidad están involucrados?

- Spanish *Español*
- Mandarin/Cantonese *Mandarín/Cantonés*
- Other, please specify: _____ *Otro, por favor especifique: _____*

5. In your opinion, is recycled water production a realistic and valuable means of treated wastewater disposal? If so, please explain. If a recycled water system were available, would you see that as a valuable water resource that you would use?

Recycled water: also commonly known as water reuse or water reclamation; reclaims water from a variety of sources then treats and reuses it for beneficial purposes such as agriculture and irrigation, potable water supplies, groundwater replenishment, industrial processes, and environmental restoration. Water reuse can provide alternatives to existing water supplies and be used to enhance water security, sustainability, and resilience.

En su opinión, ¿es la producción de agua reciclada una manera realista y valiosa para la eliminación de aguas residuales tratadas? Si es así, por favor explique. Si hubiera un sistema de agua reciclada disponible, ¿lo vería como un recurso hídrico valioso que usaría?

Agua reciclada: también conocido como la reutilización de agua o la recuperación de agua; recupera el agua de una variedad de fuentes, luego lo trata y reutiliza para los propósitos beneficiosos como la agricultura y el riego, la reserva del agua potable, la reposición de aguas subterráneas, los procesos industriales, y la restauración del ambiente. La reutilización del agua puede proveer alternativas a los suministros de agua existentes y puede ser usado para mejorar la seguridad hídrica, la sostenibilidad y la resiliencia.

Yes *Sí*

No *No*

6. What potential site(s) for WWTP relocation do feel are the most beneficial to the community? Refer to map below.
*¿Qué sitio potencial para la mudanza de la planta de tratamiento parece lo más beneficioso para la comunidad?
Puede elegir más de uno.*

A

B

C

D

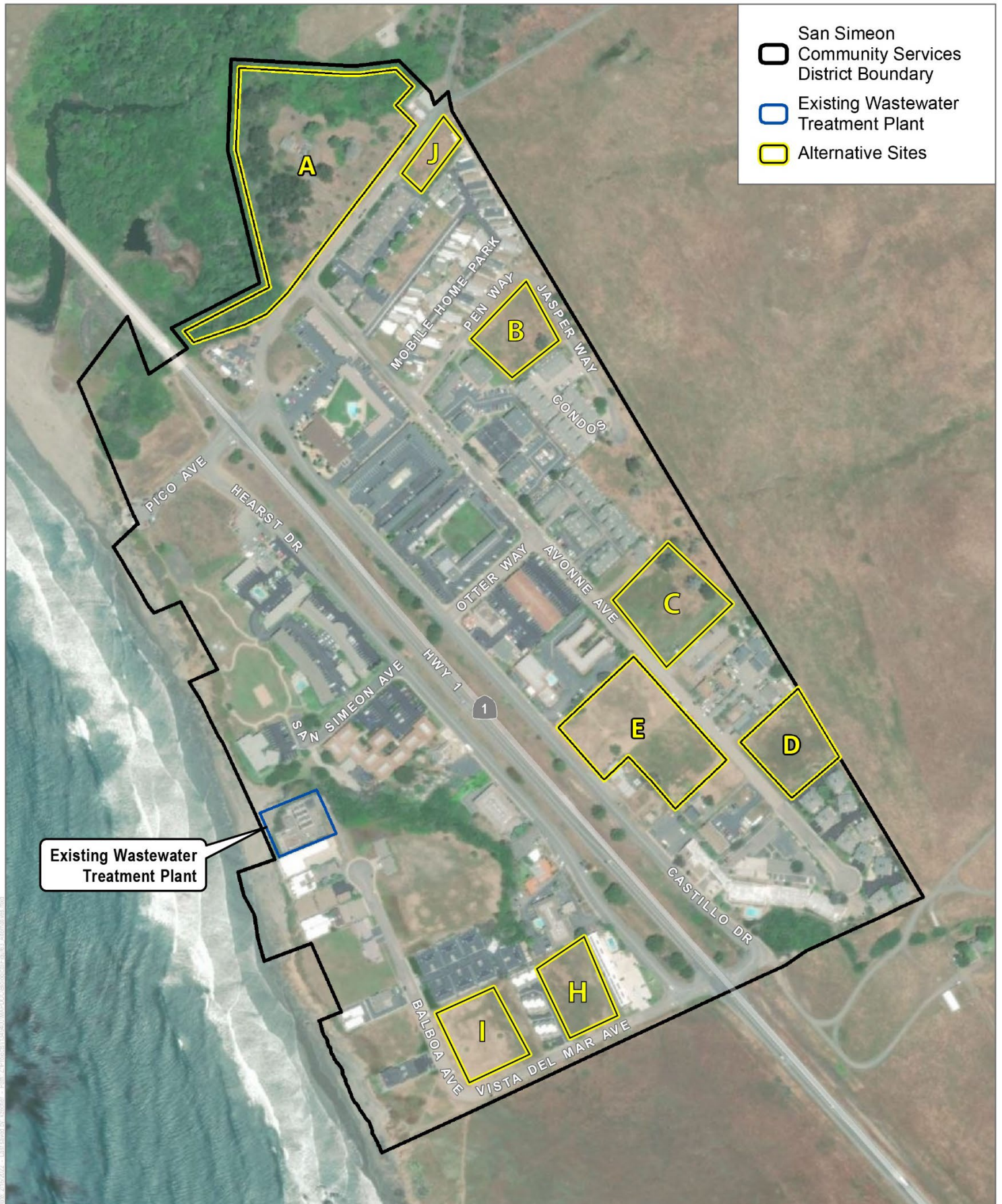
E

H

I

J

None of the above *Ninguna de las anteriores*



- San Simeon Community Services District Boundary
- Existing Wastewater Treatment Plant
- Alternative Sites

SOURCE: NAIP 2020

FIGURE 3

7. What potential site for WWTP relocation outside of San Simeon do you feel is the most beneficial to the community? These sites are theoretical alternatives and there are no current agreements in place between the SSCSD and the property owners/operators that would enable use of these properties. SSCSD is still in the process of conducting outreach to these property owners.

¿Qué sitio potencial para la reubicación de la PTAR fuera de San Simeón cree que es lo más beneficioso para la comunidad? Estas propiedades son alternativas teóricas, y no existen acuerdos actuales entre el SSCSD y los propietarios/operadores que permitan el uso de estas propiedades. SSCSD todavía está en el proceso de comunicarse con estos propietarios.

- California State Parks property *Propiedad de California State Parks*
- Hearts property *Propiedad de Hearst*
- Connecting to existing Cambria Community Services District facilities *Conexión a las instalaciones existentes del Distrito de Servicios Comunitarios de Cambria*
- Connecting to existing Cayucos/Morro Bay facilities *Conexión a las instalaciones existentes de Cayucos/Morro Bay*
- Other *Otro:* _____

8. What are your top two concerns relative to the relocation of the WWTP and the CHRP?

¿Cuáles son sus dos preocupaciones más importantes en relación con la mudanza de la planta de tratamiento y el PRPC?

9. What community vulnerabilities and equity concerns are important to you when considering relocation sites for the WWTP and the development of the CHRP?

Climate vulnerability: The degree to which systems are at risk of exposure to climate change impacts.

Environmental equity: achieving fairness and balance in access to environmental resources (e.g., green space, safe neighborhoods, healthy homes, healthy fisheries), in bearing environmental burdens (e.g., pollution in air, water and on land), and in participating in environmental decision-making.

¿Cuales vulnerabilidades de la comunidad y preocupaciones de equidad son importantes para usted cuando considera sitios de reubicación para la planta de tratamiento y el desarrollo del PRPC?

Vulnerabilidad climática: El grado en que los sistemas están en riesgo de exposición a los impactos del cambio climático.

Equidad ambiental: logrando justicia y equilibrio en el acceso a los recursos ambientales (por ejemplo, espacios verdes, barrios seguros, hogares saludables, pesquerías saludables), en soportando las cargas ambientales (por ejemplo, contaminación en el aire, el agua y la tierra), y en haciendo decisiones del ambiente.

9. Do you believe grant funding is necessary to implement the WWTP relocation?

¿Cree que el financiamiento a través de las becas es necesaria para implementar la mudanza de la planta de tratamiento?

- Yes *Sí*
- No *No*
- Maybe *Quizás*

10. To what degree do you believe it is important that a relocated WWTP must avoid environmentally sensitive areas, flood hazard zones, and other such areas?

¿Hasta qué punto cree que es importante que una planta de tratamiento reubicada evite áreas ambientalmente sensibles, zonas de peligro de inundación, y otras áreas similares?

- Very important *Muy importante*
- Somewhat important *Algo importante*
- Not important *No importante*

11. What other considerations are important to you with regards to relocation of the WWTP?

¿Cuales otras consideraciones son importantes para usted con respecto a la mudanza de la planta de tratamiento?

Please mail your completed survey to:
San Simeon Community Services District
111 Pico Avenue
San Simeon, CA, 93452

Por favor envíe su encuesta completa a:
San Simeon Community Services District
111 Pico Avenue
San Simeon, CA, 93452

For more information *Para más información:* [www. https://sansimeoncsd.org/projects/](https://sansimeoncsd.org/projects/)

Coastal Hazards Response Plan (CHRP) Wastewater Treatment Plant (WWTP) Relocation In-Person Meeting with Zoom Option

Plan de Respuesta a Peligros Costeros
Mudanza de la planta de tratamiento de aguas residuales (PTAR)
Reunión en persona con opción de Zoom

Monday, November 14, 2022 *Lunes noviembre 14, 2022*

Cavalier Resort “Butte” Meeting Room

250 San Simeon Avenue, Suite 8

Next to U.S. Post Office *Junto a la oficina de correos de EE. UU.*

6:00 pm – 7:30 pm

Light refreshments will be served. *Se servirán refrigerios ligeros.*

Agenda

1. Introductions *Introducciones* (5 min.)
2. Presentation *Presentación* (25 min.)
 - Survey results *Resultados de la encuesta*
 - Alternative sites *Sitios alternativos*
 - WWTP alternatives *PTAR alternativos*
 - Next Steps *Próximos pasos*
3. Public comments with Questions & Answers
(1 hour) *Comentarios públicos con preguntas y respuestas*

Scan To Join via Zoom

Escanear para unirse a Zoom

<https://tinyurl.com/SSCSD-CHRP-1>



Via Telephone *Por teléfono*

(669) 900-6833

Meeting ID: 978 2066 1181

CONSENT AGENDA ITEMS:
**A. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON
SEPTEMBER 6, 2022.**

**SPECIAL MEETING MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR BOARD MEETING
Tuesday, September 6, 2022
5:00 pm**

Pursuant to San Simeon CSD Resolution 22-456 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

1. REGULAR SESSION @ 5:00 PM

- A. Chairperson Kellas - Present
- Vice Chairperson Giacoletti - Present
- Director de la Rosa – Present
- Director Donahue - Absent

2. BUSINESS ACTION ITEMS:

A. DISCUSSION, REVIEW AND APPROVAL OF A CONTRACT FOR LORI MATHER VIDEO SERVICES FOR THE PERIOD OF THREE YEARS IN THE AMOUNT OF \$19,800. (1:03)

Chairperson Kellas introduced the item, stating the Lori Mather Video was the least expensive responsive bidder. Vice-Chairperson Giacoletti commented that one of the other proposals was less money than Lori Mather Video's costs.

Public Comment –
(3:35) Henry Krzciuk commented.
(6:45) Julie Tacker commented.
(9:02) Michael Hanchett commented.

(10:00) A motion was made to approve a three year contract with Lori Mather Video Services.

Motion: Chairperson Kellas
2nd: Director de la Rosa
Vote: 3/0
Absent: Donahue

Roll Call:
Kellas: Yes Giacoletti: Yes de la Rosa: Yes

B. DIRECTION TO STAFF REGARDING HIRING A WATER RIGHTS ATTORNEY ON BEHALF OF THE DISTRICT. (10:45)

Chairperson Kellas introduced the item and suggested that the Board put out an Request for Quotes (RFQ).

Public Comment –

(11:38) Henry Krzciuk commented.

(14:50) Karina Tiwana commented.

(18:20) Julie Tacker commented.

(20:40) Michael Hanchett commented.

(21:40) Chairperson Kellas and Jeff Minnery discussed water rights attorneys stating that his law firm specialized in general law related to government entities.

(29:29) A motion was made that the District send out an RFQ regarding price quotes and services to multiple people involved as far as governmental law and as far as water rights. (If we tell them what we need we should get back something solid and substantial as to what would be the best way to go).

Motion: Chairperson Kellas

2nd: Director de la Rosa

Vote: 3/0

Absent: Donahue

Roll Call:

Kellas: Yes

Giacoletti: Yes

de la Rosa: Yes

C. DISCUSSION, REVIEW AND APPROVAL OF GRACE ENVIRONMENTAL OPERATIONS & MANAGEMENT CONTRACT EXTENSION FOR OPERATIONS, MAINTENANCE AND GENERAL MANAGER SERVICES. (24:03)

Charlie Grace recused himself stating that he had a business interest in this matter. Chairperson Kellas introduced the item and provided background on this matter.

Public Comment –

(31:35) Henry Krzciuk commented.

(35:10) Karina Tiwana commented.

(38:20) Julie Tacker commented.

(40:30) Michael Hanchett commented.

(42:25) Sherry Brajich commented.

(43:40) Jeff Minnery commented that policy & procedures manual contained language that limited the District's ability to easily renew the contract.

(46:00) Paul Panchal commented.

(46:20) Vice-Chairperson Giacoletti responded to the comment that separating the services being provided would increase objectivity, stating that this would increase a loss of cohesiveness. but result in the loss of cohesiveness. Director de la Rosa commented that the way things has been done that the District should allow a year. Chairperson Kellas commented that the current contract allowed the District to terminate the contract

with a 30-day notice. She further stated that the employees of GES were young and had families to support. She further stated that GES had been successful running the District. (49:10) Al Barreto commented.

(49:49) A motion was made to direct counsel to amend page 12 Item XA, to San Simeon CSD must give 1 year notice of termination without cause and renew the amended contract for one year.

2nd: Vice-Chairperson Giacoletti

(50:10) Jeff Minnery commented that the Board could not unilaterally extend the contract without GES agreeing to participate in the contract negotiations.

(51:30) The motion was rephrased to direct counsel to amend page 12 Item XA, to San Simeon CSD must give 1 year notice of termination without cause and make an offer to extend the amended contract for the period of one year.

(52:05) District Counsel was directed to bring back the policy so that it matched the action that the Board was taking.

(52:44) The motion was rephrased a third time to direct counsel to amend page 12 Item XA, to San Simeon CSD must give 1 year notice of termination without cause and make an offer to extend the amended contract for the period of one year and also to address the policy and procedures manual in reference to this.

Motion: Chairperson Kellas

2nd: Director de la Rosa

Vote: 3/0

Absent: Donahue

Roll Call:

Kellas: Yes

Giacoletti: Yes

de la Rosa: Yes

D. DISCUSSION, REVIEW AND APPROVAL OF DRAFT FINANCIAL POLICY / RESERVE FUND BALANCES.

(54:00)

Chairperson Kellas introduced the item.

Michael Hanchett spoke and suggested that legal counsel should review these policies for approval. He further discussed various aspects of the draft policies.

Public Comment –

(1:06:10) Julie Tacker commented.

(1:08:55) Henry Krzciuk commented.

(1:12:20) A motion was made to approve the draft financial policy/reserve fund balance subject to legal review.

4. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS – None.
5. ADJOURNMENT @ 6:52 PM

DRAFT

CONSENT AGENDA ITEMS:

- B. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON SEPTEMBER 20, 2022.**

September 20, 2022 Minutes will be a green sheet

CONSENT AGENDA ITEMS:

C. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.

SAN SIMEON COMMUNITY SERVICES DISTRICT Disbursements Journal

November 2022

Type	Date	Num	Name	Memo	Paid Amount
Paycheck	11/08/2022	2544	GWEN KELLAS	Board Service October 2 through November 1, 2022.	-92.35
Paycheck	11/08/2022	2545	MARY P GIACOLETTI	Board Service October 2 through November 1, 2022.	-92.35
Paycheck	11/08/2022	2546	MICHAEL C DONAHUE	Board Service October 2 through November 1, 2022.	-92.35
Bill Pmt -Check	11/08/2022	2547	Garrison, Patricia	Customer Security Deposit Refund Account #97. Effective 11/1/2022.	-50.00
Bill Pmt -Check	11/08/2022	2548	Garrison, Patricia	Refund of overpayment on closed account #97. Effective 11/1/2022.	-107.17
Bill Pmt -Check	11/08/2022	2549	San Simeon Community Services District	Customer security deposit refund for account 440 to be issued to SSCSD. Eff 11/1/22.	-50.00
Bill Pmt -Check	11/08/2022	2550	Adamski Moroski Madden Cumberland & Green	Legal fees re: Hather litigation through 08.31.22. Inv 59010 dated 9/30/22.	-23.16
Bill Pmt -Check	11/08/2022	2551	Adamski Moroski Madden Cumberland & Green	General legal services through 08.31.22. Inv 59009 dated 09/30/22.	-13,557.27
Bill Pmt -Check	11/08/2022	2552	Ashley & Vance Engineering Inc	Engineering services for water & sewer pipe bridge replacement. Services through 09.30.22. Inv 66624 dated 10/28/22.	-3,914.75
Bill Pmt -Check	11/08/2022	2554	Dudek	CHRP expense (Coastal Hazard Response Plan). Contract services through 09.30.22. See grant from CCC/SLO Co 19-02_SLO_A1. Inv 2022-08992 dated 10/28/22.	-3,152.50
Bill Pmt -Check	11/08/2022	2555	First American Title Company	Preliminary Title Report for Pipe Bridge. Inv 718-718114436 dated 10/18/22.	-1,000.00
Bill Pmt -Check	11/08/2022	2556	Kathleen Fry Bookkeeping Services	Monthly bookkeeping services October 2022. Inv CSD-2022-10 dated 10/31/22.	-1,500.00
Bill Pmt -Check	11/08/2022	2557	Kathleen Fry Bookkeeping Services	Special Bkpg Svcs: Assist with rate study, reserve policy, and annual audit. Svc Per: October 2022. Invoice dated 10/31/22.	-787.50
Bill Pmt -Check	11/08/2022	2558	Lori Mather Video Services	Video services for Regular BOD Mtg 11.08.22. Invoice #11/1/2022.	-450.00
Bill Pmt -Check	11/08/2022	2559	Moss, Levy & Hartzheim, LLP	Audit to Date for FYE 6/30/2022. Inv 33318 dated 9/30/22.	-4,000.00
Bill Pmt -Check	11/08/2022	2560	Padre Associates, Inc	On-call environmental consulting services through 8/31/2022. Inv 2022-1757 dated 09/09/22.	-4,440.00
Bill Pmt -Check	11/08/2022	2561	Padre Associates, Inc	On-call environmental consulting services through 9/30/2022. Inv 2022-1940 dated 10/04/22.	-1,440.00
Bill Pmt -Check	11/08/2022	2562	Simply Clear Marketing & Media	Monthly Website Service and Mgt fee svc period 11.20.22 - 12.20.22. Inv 44017 dated 10/17/22.	-450.00
Bill Pmt -Check	11/08/2022	2563	Souza Construction, Inc.	Repair 6" AC water line on SSCSD side of meter at San Simeon Lodge. Inv 061022 dated 06/10/22.	-3,073.94
Bill Pmt -Check	11/08/2022	2564	Stillwater Sciences	Pico Creek instream flow management plan services through 10/2/22. Inv 9840009 dated 10/19/22.	-4,864.25
Bill Pmt -Check	11/08/2022	2565	The CrisCom Company	Grant research, writing, and grant related services November 2022. Inv #270983 dated 10/20/22.	-2,000.00
Bill Pmt -Check	11/08/2022	2566	Grace Environmental Services (GES)	Operations Management, Electrical and Maintenance Fees for November 2022 Services. Inv 1579 dated 11/1/22.	-60,308.23
Check	11/25/2022	Elec Pymt	CalPers Fiscal Svcs Divn	Monthly Unfunded Accrued Liability payment. Cust. ID # 7226734344.	-1,433.58
Liability Check	11/25/2022	Elec Pymt	United States Treasury (US Treasury)	Payroll tax payment for paychecks issued current month.	-45.90

TOTAL November 8, 2022 Board Packet

-106,925.30
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CONSENT AGENDA ITEMS:

- D. ADOPTION OF RESOLUTION 22-458 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**



CONSENT AGENDA ITEM STAFF REPORT

ITEM 4.D. ADOPTION OF RESOLUTION 22-459 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.

Summary:

At a Special Meeting on September 30, 2021, the Board approved District Resolution 21-433 to continue virtual meetings of the Board of Directors and District committees pursuant to AB 361. AB 361 requires periodic review of the determination for a legislative body to continue to meet via teleconference, and if a state of emergency remains active, then no later than 30 days after meeting via teleconference, the body must make a subsequent finding that it “has reconsidered the circumstances of the state of emergency” and determined that in-person meetings continue to pose a risk to public health. During the October 11, 2022 regular Board meeting, the Board approved Resolution 22-458 which extended the “state of emergency” for an additional 30 days. Resolution 22-459 extends the “state of emergency” for an additional 30 days to allow continued virtual meetings.

Possible Outcomes:

- 1) The Board may direct meetings to be held in person.
- 2) The Board may approve Resolution 22-459.

Enc: District Resolution 22-459

RESOLUTION NO. 22-459

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR ISSUED ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT FOR THE PERIOD OF NOVEMBER 8, 2022, TO DECEMBER 8, 2022, PURSUANT TO BROWN ACT PROVISIONS

Recitals

WHEREAS, the San Simeon Community Services District ("District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 21-433 on September 30, 2021, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, the State of Emergency declared by Governor Newsom on March 4, 2020, due to COVID-19, and strong recommendations by the California Department of Public Health that all persons, regardless of vaccination status, continue to undertake social distancing measures including wearing masks while in indoor public settings; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 variants have caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of the District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Board of Directors will ensure that the public has access to meetings and the opportunity to participate in meetings in the interest of transparency and as required by AB 361.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the San Simeon Community Services District, as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.
3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby re-ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
4. Remote Teleconference Meetings. The General Manager and Staff of the District are hereby authorized and directed to take all actions necessary to carry out the

intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

- 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) December 10, 2022, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

ADOPTED by the Board of Directors of the San Simeon Community Services District on November 8, 2022, by the following roll call votes:

AYES:
NOES:
ABSENT:
ABSTAINED:

President, Board of Directors of the
San Simeon Community Services District

ATTEST:

Charles Grace, General Manager of the
San Simeon Community Services District

APPROVED AS TO FORM:

District Counsel

CONSENT AGENDA ITEMS:

- E. REVIEW AND APPROVAL OF A CONTRACT BETWEEN V&H HOLDINGS AND SSCSD FOR MEETING ROOM USE TO CONDUCT PUBLIC OUTREACH MEETINGS RELATED TO THE COASTAL HAZARD RESPONSE PLAN.**



CONSENT AGENDA ITEM STAFF REPORT

ITEM 4.E. REVIEW AND APPROVAL OF A CONTRACT BETWEEN V&H HOLDINGS AND SSCSD FOR MEETING ROOM USE TO CONDUCT PUBLIC OUTREACH MEETINGS RELATED TO THE COASTAL HAZARD RESPONSE PLAN.

Summary:

As part of the public outreach portion of the Coastal Hazard Response Plan (CHRP) and Local Coastal Plan Grant (LCP Grant), SSCSD needs to conduct public meetings. Per contract between SSCSD and Dudek Engineering, Dudek is conducting public outreach meetings on behalf of SSCSD. Dudek reached out to hotel owners and received response from the Cavalier Business Center that they are willing to host the CHRP public outreach meeting. The owner of this property, has requested that the District enter into an agreement for the use of this property. District Counsel has reviewed the agreement. The agreement is attached.

Outcome:

GES Staff is recommending that the Board approve the agreement.

Enc: Contract SSCSD / Cavalier Acres

LICENSE AGREEMENT

This License Agreement ("Agreement") is made and entered into this__ day of _____, 2022 ("Effective Date") by and between the San Simeon Community Services District, a community services district formed and existing pursuant to Government Code Section 61000, *et seq.* ("District") and Cavalier Acres, Inc., a California corporation ("Owner").

RECITALS

Whereas District is in need of an indoor facility in which public and closed session meetings of its Board of Directors and standing and ad hoc committees may be conducted; and

Whereas, Owner owns and is in possession of that certain auditorium with a seating capacity for approximately seventy-five (75) persons located within its complex of buildings at 250 San Simeon Ave., San Simeon, California generally known as the Plaza del Cavalier ("Property") that is suitable for use by the District for its public and closed session meetings; and

Whereas, the locations of the aforementioned auditorium and restrooms are depicted on Exhibit "A" attached hereto and by this reference incorporated herein (collectively, "Auditorium"); and

Whereas, Owner desires to make the Auditorium available to the District for the public and closed session meetings of its Board of Directors and standing and ad hoc committees in accordance with the terms, provisions and conditions of this Agreement.

Now, therefore, in consideration of the mutual premises set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, District and Owner do hereby agree as follows:

AGREEMENT

1. **Grant of License.** Owner hereby grants to District a revocable license to use the Auditorium for the public and closed session meetings of its Board of Directors and standing and ad hoc committees in accordance with the terms, provisions and conditions of this Agreement.

2. **Term.** The term of this Agreement shall be for a period of five (5) years from the Effective Date unless sooner terminated by Owner in accordance with Section 5 of this Agreement ("Term").
3. **Rent.** Owner shall provide use of the Auditorium for District in accordance with the terms, provisions and conditions of this Agreement at no charge or cost to District.
4. **Condition of Property.** Following use of the Auditorium by District in accordance with this Agreement, District shall leave the Auditorium in a neat, tidy and clean condition.
5. **Termination of Agreement at Will.** This Agreement may be terminated at will by District or Owner at any time for any reason or for no reason by providing to the non-terminating party a notice of termination in accordance with Section 9 of this Agreement not less than thirty (30) calendar days prior to the date of termination.
6. **Indemnification.** District shall pay for, save, protect, defend, indemnify and hold harmless Owner from and against any and all liabilities, suits, actions, claims, demands, penalties, damages (including, without limitation, third party tort claims, civil or criminal penalties, fines and/or monetary sanctions), losses, costs or expenses (including, without limitation, consultant's fees, investigation and laboratory fees, attorney's fees and remedial and response costs) (all of the foregoing hereinafter collectively referred to as "Liabilities") which may now or at any time in the future be incurred or suffered by Owner or any of Owner's affiliated entities including, but not limited to, Cavalier Acres, Inc., Cavalier Inn, Inc., Cavalier Investments, Inc. and V H Holdings LLC and their respective stockholders, members, partners, directors, officers, employees, contractors, agents, consultants, attorneys and Owner's tenants ("Indemnitees") as the result of any Liabilities arising out of this Agreement including, without limitation, use of the Auditorium and restrooms, ingress and egress thereto and use of the parking lot and other facilities located on and within the Property by attendees of District's public and closed session meetings of its Board of Directors and standing and ad hoc committees and District's officers, directors, contractors, consultants, attorneys and accountants; provided, however, this indemnification shall not extend to the willful misconduct or gross negligence of the Indemnitees that results in any Liabilities under this Section 6.
7. **Insurance.** During the Term, District shall maintain in full force and effect a policy of general liability insurance with a combined single limit of at least Two Million Dollars (\$2,000,000.00) for bodily injury, personal injury and property damage arising out of any one occurrence that is in any way related to this Agreement or use of the Auditorium and Property. Owner shall be named as an additional insured on such insurance policy. Such policy of insurance shall be considered primary insurance. Evidence of compliance with the requirements of this Section 7 shall be provided to Owner by District prior to any use of the Auditorium by District.

8. **Further Documents.** District and Owner shall execute, deliver and, if required, record any additional documents necessary to effectuate the purposes of this Agreement.

9. **Notices.** All notices and other communications given pursuant to this Agreement shall be in writing and shall be deemed received when delivered upon the first business day after prepayment with a recognized overnight delivery service with instructions to deliver the next business day or upon the fifth calendar day after deposit in the United States mail, first-class, registered or certified, postage prepaid, return receipt requested, at the following addresses:

If to District: San Simeon Community Services District
 111 Pico Avenue
 San Simeon, CA 93452

If to Owner: Cavalier Acres, Inc.
 250 San Simeon Avenue
 San Simeon, CA 93452

District or Owner, from time to time by written notice to the other, may designate a different address which shall be substituted for the address specified above.

10. **Attorney's Fees.** In any legal action or administrative proceeding between District and Owner to interpret, enforce, reform, modify, rescind or otherwise in connection with any of the terms or provisions of this Agreement, the prevailing party in such action or proceeding shall be entitled, in addition to any relief, damages or award to which it may be entitled, to reasonable costs and expenses including, without limitation, litigation costs, expert witness and attorney's fees.

In witness whereof, District and Owner have executed this Agreement on the date first above written.

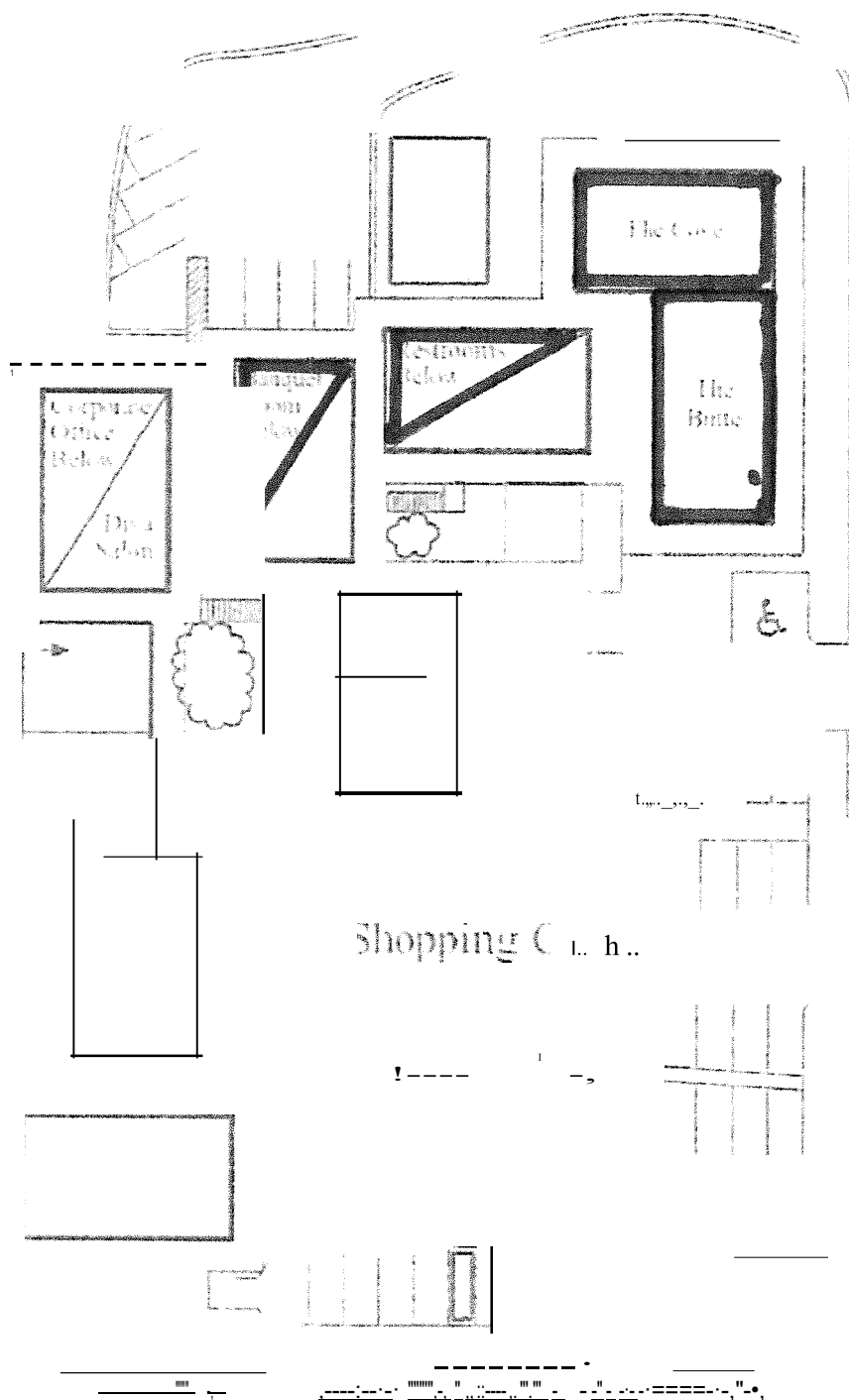
DISTRICT

OWNER

By:
Its:

By:
Its:

Exhibit "A"



HEARST DRIVE

PUBLIC HEARING ITEM

5.A. PUBLIC HEARING PURSUANT TO SSCSD ORDINANCE 102 HARDSHIP



PUBLIC HEARING ITEM STAFF REPORT

ITEM 5.A.PUBLIC HEARING PURSUANT TO SSCSD ORDINANCE 102 HARDSHIP – hearing to review water will serve requests based on hardship applications and responses from: Mr. Marcum, Mr. Hurlbert, Mrs. Brajcich, Mrs. Seifert, and Mr. Sansone.

Summary:

The District has received four (5) hardship requests from property owners that have positions on the SSCSD water waitlist. In addition, each property owner requesting a hardship has submitted details describing why they believe a hardship waiver is applicable in accordance with Ordinance 102.

Pursuant to Ordinance 102, the remaining hardship requests are presented to the SSCSD Board.

Enc: Hardship Requests from Property Owners

Lloyd Marcum D.D.S. Inc.

Practice Limited to Endodontics



San Simeon Community Services District
111 Pico Avenue
San Simeon, CA 93452

May 22, 2022

Re: Avonne Avenue San Simeon, CA 93452 APN: 013-071-016

Dear Sirs,

Recent changes in the allocation of Will Serve letters for the San Simeon CSD have prompted this letter to you. It apparently has been established that there is sufficient water for all of the applicants on the water service wait list. I am told by Charlie Grace that I am number 12.

Please let this letter serve as an application for service under the "Hardship Application" of section V of ordinance 102:

Considerations under this section include: (1) nature and extent of financial hardship, (2) extent of proposed usage of water, (3) existence of suspected environmental problems within the vicinity of the applicant, (4) amount of removal of vegetation, (5) amount of traffic to be generated, (6) the general magnitude of potential adverse environmental impacts, (7) potential storm water generation (8) whether the subject property has the potential for re-zoning, and (9) such other factor as may be significant relative to the individual property and circumstances. I will address each of these individually for consideration.

1. The nature and extent of the financial hardship is extensive to me, my retirement and my family. The monetary detriment to the property with no water is obvious. I purchased this property with the intent of finding a place to retire with a small Mixed Use development that I would be able to manage and eventually pass down on my death to my heirs. Being unable to develop this property for which it is zoned and intended affects my family in perpetuity. Being unable to fulfill my retirement dreams is a psychological hardship.
2. Based on this and similar projects the water usage should be about 1.4 Acre Feet per year.
3. My plan has been verbally presented to the county without objections. Formal plans will be drawn soon. There are no known environmental problems at this property or the adjacent properties that I am aware of. My undergraduate degree from USC is in Marine Biology. I wrote environmental reports and studies for the marine center. I doubt there will be any concerns.

4. I have maintained the property as required by removing growth for fire concerns. Some native grasses will need to be removed, and there are no indigenous trees on the property. My plans will include copious landscaping with species concurrent with the location of the project and the community.

5. Traffic will be reviewed by the county prior to construction, but I have removed the unsightly traffic that was finding a home on my property and becoming a blight on the community. We need more housing and with this comes some burden to the local traffic.

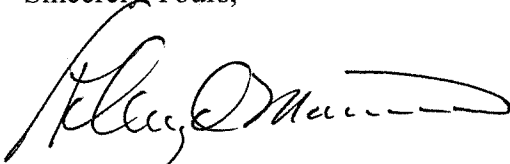
6. The property is being developed for the zoning as it was intended. Once a favorable response to this submission is granted by the CSD, formal plans will be submitted to the county for environmental review.

7. Storm water will be contained per county regulation and should be able to be contained entirely on site or as required.

8. No re-zoning should be necessary for this site.

Thank you in advance for considering this hardship application. Please enter this letter into the record for future reference and review. I give my permission to make this letter public and/or disclose and read it in open session of the CSD.

Sincerely Yours,



Lloyd Marcum DDS
Practice Limited to Endodontics

c: File

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Charles Grace <cgrace@graceenviro.com>

Hardship Application

Ron Hurlbert [REDACTED] >

Sun, Jun 12, 2022 at 5:59 PM

To: charles Grace <cgrace@graceenviro.com>

Cc: Gwen Kellas <gkellas@sansimeoncsd.org>, ddelarosa@sansimeoncsd.org, mcdon1122@gmail.com, mpowergiacoletti@gmail.com, admin@sansimeoncsd.org

Mr. Charles Grace
General Manager
San Simeon Services District

Dear Charlie,

Under Ordinance 102 Section V I am hereby requesting a hardship exemption.

I am the owner of vacant land in San Simeon being parcels 1 and 2 of a portion of lot A of San Simeon Rancho.

The parcels are directly across the street from the district office.

I am water wait position number 5. I have been on the list since the moratorium was created. I purchased the property 36 years ago.

Without being able to accrue any benefit from my property it has been a financial hardship. I have paid my taxes and have done upkeep on the lot according to policies established by the district. The acts of the district have directly led to my hardship and I am asking the district for relief.

I am requesting 6 water hookups(6 edu's) for low income housing. There will be no environmental impacts with respect to any development on the land. There will be minimal traffic impacts as the proposed development will be small affordable housing units. The property has a gentle grade which will require minimal storm water problems for the district. The only vegetation on the lot at this time are the annual grasses which I pay to remove which helps with fire protection.

I am requesting an immediate hearing on my exemption, which I am required to be given, as stated in the ordinance. Please notify me as to when the hearing will be scheduled. Also, please immediately notify me of your receipt of this email.

Thank you for your consideration.

Ron Hurlbert
[REDACTED]



Charles Grace <cgrace@graceenviro.com>

Fw: Hardship application

San Simeon CSD <admin@sansimeoncsd.org>
To: Jeffrey Minnery <jminnery@ammcglaw.com>
Cc: Charles Grace <cgrace@graceenviro.com>, Gwen Kellas <gkellas@sansimeoncsd.org>

Sat, Aug 20, 2022 at 7:21 PM

FYI

Cortney Murguia
(805) 927-4778

From: Ron Hurlbert <[REDACTED]>
Sent: Saturday, August 20, 2022 7:09 PM
To: San Simeon CSD <admin@sansimeoncsd.org>
Cc: Gwen Kellas <gkellas@sansimeoncsd.org>
Subject: Re: Hardship application

Answers to "hardship waiver worksheet." 8/20/2022

1. 35 years with no opportunity to build even though there has been water available for all or a portion of that time.
2. 2 EDU's
3. Yes. san simeon services district RO plant
4. none
5. Much less the that is generated by the district office and RO plant.
6. none
7. none
8. Yes. There is potential to change the residential zone to commercial and industrial uses based on neighborhood characteristics that the district created.
9. The district office and RO plant are illegally placed across the street from my property. By granting the hardship application
I would agree to not exercise my legal rights against the district for their negligence and illegal actions.

Any additional questions/answers that the district requires I will be happy to answer in open hearing that I am entitled to under the ordinance.

Ron Hurlbert

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Charles Grace <cgrace@graceenviro.com>

Input for handling will-serve letter procedures

1 message

Sherry Stuckey [REDACTED]

Tue, Sep 6, 2022 at 9:12 PM

To: Michael Donahue <mcdon1122@gmail.com>, "mpowergiacoletti@gmail.com" <mpowergiacoletti@gmail.com>, Charles Grace <cgrace@graceenviro.com>, San Simeon CSD <admin@sansimeoncsd.org>, "ddelarosa@sansimeoncsd.org" <ddelarosa@sansimeoncsd.org>, "gkellas@sansimeoncsd.org" <gkellas@sansimeoncsd.org>

Hello everyone:

During the first reading of Ordinance 124 this evening, in the public comment section, I mentioned that you might consider a few workshops with stakeholders to flesh out the policies for allocating will-serve letters.

I would like to give my input on how I think that will serve letter dissemination should occur. Here are my thoughts:

- 1) Lift the moratorium, assuming that you have additional water as validated by the Akel report. You invested in the report, and the RO system, and have been working towards this, and, so, you have laid the groundwork to justify doing it.
- 2) Open up a call for "letters of intent" from those on the waitlist, and also the general community, by sending out a notification letter to all APNs in San Simeon Acres. The letter of intent would specify the requested amount of EDU's needed for "immediate" development [defined as within 1 year of receiving a permit]. Place a 30 day time limit on the call for letters of intent, and issue the call for letters of intent every 90 days until all of the EDUs are reserved.
- 3) Send a contingent will-serve letter to each developer who submitted a letter of intent in order of those on the waitlist. The contingencies would include the following:
 - a. Any outstanding reports that may implement another moratorium or reduce the assumed available acre feet. Should the developer proceed with planning and building efforts, they would do so at their own risk. The District would accept zero liability for issuing the will serve letter.
 - b. The letter would provide 90 days for proof of an application and/or plan submission to the County of San Luis Obispo. If this is not done, and the letter expires, and the EDUs go from "reserved" to available to the next party in order on the list until the end of the list is reached. At that point, the process would start over again. Upon acceptance of the proof of submission, the San Simeon Community Services district would reserve the EDUs for the developer until their permit is received for a period not to exceed 18 months.
 - c. The developer would commit to incorporating "offsets" into their plans such as procuring low flow fixtures for others (idea from Michael Donahue), creating water catchment or gray water systems, etc. Theoretically, an assignment of acre feet could be defined for each offset, and the developer may even be able to cover their entire EDU request by simply agreeing to offsets.
 - d. The EDU reservation is allocated to the parcel(s), and not the individual. They are not individual assets, but assets tied to the property, and transferrable with the property plans.

e. The Developer would agree to make every effort to avoid blocking more than 40 percent of any other property Owner's view or sunlight. I did not find any provisions for this in San Luis Obispo County's Title 23 development guidelines, but I think that it would be nice for the community to work on this provision as a contingency in the will-serve letter.

4) Upon receipt of the permit, **the number of EDUs would be corrected to reflect the actual size of the development.** The amount could not exceed the initial request, however. The developer would have 90 days to pay for their water meter connection in full. At that point, the EDUs would be taken out of the pool of available EDUs.

I believe that the zoning and building and planning procedures established by the County of San Luis Obispo, and agencies that will evaluate the projects, during the permitting cycle will naturally "correct" any developments which are not in line with the overall desires of the community. There are provisions for public comment with the County of San Luis Obispo that would shape the outcome of any major developments. This is, in effect, like an economic market correction, but here it is a development correction. Should, for example, the Coastal Commission deem a project to be too large, too much, etc. they will not approve it, as they have done frequently in other areas, including Los Osos.

Thank you for taking my input on this matter.

Sherry Brajcich

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Charles Grace <cgrace@graceenviro.com>

Hardship Exemption

3 messages

Seifert Dairy <[REDACTED]>

Tue, Aug 23, 2022 at 12:12 PM

Reply-To: Seifert Dairy <[REDACTED]>

To: "cgrace@graceenviro.com" <cgrace@graceenviro.com>, "gkellas@sansimeoncsd.org" <gkellas@sansimeoncsd.org>, "ddelarosa@sansimeoncsd.org" <ddelarosa@sansimeoncsd.org>, "mcdon1122@gmail.com" <mcdon1122@gmail.com>, "mpowergiacoletti@gmail.com" <mpowergiacoletti@gmail.com>, "admin@sansimeoncsd.org" <admin@sansimeoncsd.org>

Dear Mr. Grace, etal

1. We have waited 25+ years for a water allocation that would enable us to build our dream home. During that time frame we have continued to incur expenses such as bank payments + interest, property taxes, fire prevention, etc. while not being notified that there was adequate water available for all or most of that time. I am almost 84 years old and not in the best of health, the idea that I have to wait several years longer because one individual will be given ALL of the water and development rights is heartbreaking!!

2. Sufficient water for a residence and landscaping.

3. No

4. There are no trees or bushes on the property.

5. Minimal traffic, two cars.

6. None

7. None

8. Yes, there are 6 Condo's listed on the Water Wait List.

9. What I feel is Very relevant to not just our property, but to ALL of the other property owners listed on the Water Wait List, is the fact that all of a sudden the Board is RUSHING to give Cavalier Inn, Inc ALL of the water rights that they have been guarding so closely for so many years. To allow Cavalier to change their motel positions to residential is unbelievable!!! I am hoping that the Board can appreciate all of the years, time and money that the rest of the people on the list have invested into your community only to be kicked to the side of the road for corporate greed!!!

Best,

Joy Ann Seifert



Grace enviro <cgrace@graceenviro.com>

Wed, Aug 24, 2022 at 9:55 AM

To: Seifert Dairy <[REDACTED]>

Cc: gkellas@sansimeoncsd.org, ddelarosa@sansimeoncsd.org, mcdon1122@gmail.com, mpowergiacoletti@gmail.com, admin@sansimeoncsd.org

The office is in receipt of your hardship response.

Charles Grace
GES
805 431 6253

On Aug 23, 2022, at 12:12 PM, Seifert Dairy <rjseifert@aol.com> wrote:



Charles Grace <cgrace@graceenviro.com>

HARDSHIP APPLICATION

Seifert Dairy <[REDACTED]>

Mon, Jun 13, 2022 at 5:15 PM

Reply-To: Seifert Dairy <[REDACTED]>

To: "cgrace@graceenviro.com" <cgrace@graceenviro.com>

Cc: "gkellas@sansimeoncsd.org" <gkellas@sansimeoncsd.org>, "ddelarosa@sansimeoncsd.org" <ddelarosa@sansimeoncsd.org>, "mcdon1122@gmail.com" <mcdon1122@gmail.com>, "mpowergiacoletti@gmail.com" <mpowergiacoletti@gmail.com>, "admin@sansimeoncsd.org" <admin@sansimeoncsd.org>

Mr. Charles Grace
General Manager
San Simeon Services District
June 13, 2022

Dear Mr. Grace:

My name is Joy Ann Seifert and I am requesting a hardship exemption under Ordinance 102, Section V, as listed on your regular Board Meeting agenda of June 6, 2022. I am the owner of a vacant lot located at [9005 Balboa Avenue](#) in San Simeon. My husband and I purchased this parcel more than twenty five years ago with the intention of building our retirement home there. When we first purchased the property I attended several Community Service Board meetings personally and then we hired a consultant, Kathy Novak, in an attempt to obtain water for our dream home. We even spent thousands of dollars to have Cal Poly's engineering team draw up the plans for a totally self-contained residence. The rain water would be collected into a cistern system which would purify it for domestic use and the dish, bath and laundry water was also be treated for use in landscaping, car washing, etc.. All of our efforts over the years have been denied.

I am an 83 year old widow, my husband of 55 years passed away 7 years ago and I currently live by myself on a fixed income. It had been our dream of more than two and a half decades to build our home here! My husband and I had saved every penny to be sure that we could finally have a home of our own to build memories with our daughters (and now granddaughters). If we can acquire sufficient water to finally move forward, it will bring us one step closer to that dream.

I am currently listed in Position Number 6 on Table 3, the Water Wait List. I am requesting one yard meter for minimal low water use plants and one residential hook-up for a single family home. There are no environmental issues with my parcel. There are no trees or bushes on the lot and the only vegetation is some ice plants and native grasses, which are mowed yearly for fire suppression. There will be no major traffic impact or adverse environmental impact from a single family home. We have been saving and planning for decades for our perfect beach home and strongly support the modification of Item I, to Draft a Water Will Serve Letter and begin revisions to District Ordinance No. 102.

I am requesting a Water Will Serve Letter under the Hardship Clause of the Moratorium Ordinance. I would greatly appreciate it if you could acknowledge receipt of this e-mail and give me a date and time for the Public Hearing and Approval by the Board so I can be sure that I remain within the mandatory timeline. If you have any further questions please contact me at the cell phone number listed below or email me at the email address also listed below. Thank you for your kind consideration of this lengthy matter.

Best,

Joy Ann Seifert

[REDACTED]
[REDACTED]
[REDACTED]

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DAVID SANSONE COMPANY INC.



San Simeon Community Services District
111 Pico Avenue
San Simeon, CA 93452

October 26, 2022

RE: Ordinance 102, Section V; Hardship Application for Position Numbers 9,10, and 11 on the District's Exhibit "A" Hookup Waiting List, a part of the San Simeon Acres CSD Water Sewer Connection Waitlist (copy attached)

Ladies and Gentlemen;

In my previous letter I stated that should the time come when you are going to issue Will Serve Letters, that these letters should be issued per the existing position number held by the applicant on your existing hookup Wait List.

I recently became aware that others, (APN: 013-071-016, and others) who are behind me on the waiting list are now claiming 'hardship' to circumvent the historical structure of the waitlist. Based on this information, I felt it is now necessary for me to also submit such a request.

The Owner's of APN 013-071-016 omitted from their letter to the Board of May 22, 2022, that they acquired their property December 10, 2020, a holding time of 17 months. At that time the CSD's Moratorium had been in place for over 30 years, and as prudent investors, they would have surely known about the moratorium prior to purchasing the property.

I have three positions on your wait list. I have owned 'Position 9' for over 33 years. I have owned the parcel represented as 'Position 10' for over 19 years, and I have owned parcel represented in 'Position 11' for over 35 years. If one wants to go around the waitlist hierarchy, then I too must request to be treated equally, as I have incurred a 'hardship' for a much longer time than almost anyone on the waitlist.

My hardship request for your consideration:

1. The nature and the extent of the financial hardship:
I retired in 2019. I have owned the properties in question for periods of time ranging from 35 years to 19 years. As I have been paying property taxes as well as annual weed clearance maintenance for that entire time. I have been paying these fees for an extended time, and my financial needs are as great, or greater, than all the other parties who have submitted a hardship request.

2. Extent of the proposed usage of water:
I intend to develop residential units per the existing zoning as approved by the lead agency, San Luis Obispo County. Additionally, per the Districts standards, I have included a landscape meter for the three developments proposed.
3. Existence of suspected environmental problems within the vicinity of the applicant:
I have owned all the properties for some time, I am not aware of any environmental problems.
4. Amount of removal of vegetation:
Most, if not all, of the existing grasses and weeds will be removed. Many trees will be able to be kept, subject to them being deemed healthy enough to save when the projects go before County Planning, per the County's standards.
5. Amount of traffic to be generated:
As part of the Minor Use Permit process, the County will determine the average number of daily trips for all applications. Whatever building permits that may be issued by the County will be in compliance with CEQA.
6. The general magnitude of the potential adverse environmental impacts:
None of which I am aware. This concern will also be addressed in the County's Minor Use Permit process.
7. Potential stormwater generation:
All improvements add to stormwater generation. This concern, along with items 2 through 6 above, will also be addressed in the County's Minor Use Permit process.
8. Whether the subject property has the potential for rezoning:
I do not know for certain; but there are only three zones in the limits of the CSD that I am aware of; RMF, CS, and Public Facilities. My properties are currently zoned appropriately for the uses I intend submit applications to the County.
9. Other factors as may be significant to the individual property and circumstances:
I do not believe it would be fair or equitable for the District to allocate water to any user, including myself, that does not follow the hierarchy established by the District's Exhibit "A" Hookup Waiting List, a part of the San Simeon Acres CSD Water Sewer Connection Waitlist (copy attached).

As previously stated, there are many who have positions on the existing Water Wait List; we have been waiting for an extremely long time for water. We deserve to be treated fairly. The new trend to claim “Hardship” should not empower property owners not on the current Wait List to effectively “cut the line” and get in front of those on the list. I suggest your Board go ahead and accept the Hardship Applications, including mine, with the caveat that all water hookups that may be offered, will be offered per the existing District’s Exhibit “A” Hookup Waiting List (copy attached).

Thank you very much for your time today, and for your service supporting the Community.

Best regards,

A handwritten signature in blue ink that reads "David Sansone". The signature is written in a cursive style with a large, stylized "D" and "S".

David Sansone
David Sansone Company Inc.

Enclose

San Simeon CSD Water Sewer Connection Waitlist

Exhibit "A" Hook Up Waiting List

Position Number	APN Number	Name	Deposit Amount	Date Added	EDU's
1		Cavalier Inn Inc. ¹	² 0.00	³ 1/25/1972	⁴ 145 Motel & 2400 sq ft restaurant
2	013-071-018	Evans	\$425.00	11/16/1975	Retail
3	013-391-001	Mouchawar	\$30,445.00	6/1/1979	35 Motel
4	013-031-022	V& H Holdings ⁵	\$1,200.00	11/21/2013	1 Residence
5	013-402-012	Hurlbert for Tides of San Simeon	\$2,280.00	9/6/1990	6 Condos + 1 irrigation meter
6	013-402-013	Seifert ⁷	\$2,280.00	3/9/2001	6 Condos
7	013-402-006	Tyo ⁶	\$6,840.00	12/11/2013	3 Residences
8	013-071-009	Hather and/or Hulbert ⁹	\$3,420.00	10/8/2014	15 Residences (added 5 Edu's on 11/2019)
9	013-091-030	Sansone, Inc. ^{8/10}	\$6,552.00	7/11/2018	30.5 (30 Multi-Family Edu's + .5 Irrigation)
10	013-091-032, 013-071- 023/024/025	Sansone, Inc.	\$14,706.00	7/11/2018	64.5 (64 Multi-Family EDU's + .5 Irrigation)
11	013-031-049	Sansone, Inc.	\$2,796.00	7/11/2018	10.5 (10 Multi-Family EDU's + .5 Irrigation)

¹ Cavalier Inn Inc. acquired the rights and obligations of Dalton through bankruptcy proceedings in July 1989.

² The deposit of Dalton was forfeited when he failed to comply with the Terms of Agreement with the District.

³ The Date of the agreement between the District and Dalton.

⁴ Per agreement, remaining balance of project after Mouchawar foreclosure on 105 units.

⁵ V&H Holdings purchased property and wait list position #4 From Raymond Long.

⁶ John & Ann Tyo Purchased property and wait list position #7 from Eva Redwood-Chavez

⁷ Seifert purchased the property from Ramirez in 2004.

⁸ Sansone, Inc submitted one payment in the amount of \$24,000.00 for positions 9,10 & 11

⁹ Hather added 5 edus w/ a deposit in the amount of \$1140 on 11/2019

¹⁰ Sansone submitted payment in the amount of \$54.00 Edu's adjust based on previous overpayment

*Enclosure - David Sansone Co. Inc.
Oct 26, 2022*

4

Business Action Item

- A. 6.A DISCUSSION, REVIEW AND APPROVAL OF THE STILLWATER INFLOW
STREAM MANAGEMENT STUDY.**



BUSINESS ACTION ITEM STAFF REPORT

ITEM 6.A. DISCUSSION, REVIEW AND APPROVAL OF THE STILLWATER INFLOW STREAM MANAGEMENT STUDY.

Summary:

In furtherance of the effort to remove the long-standing water moratorium in part or in whole, an RFP was issued on August 11, 2021 for an Instream Flow Management Plan (IFMP). A contract to perform this work was awarded to Stillwater during the November 9, 2021 Board meeting. Stillwater has been obtaining field data, reviewing, and compiling said data into the attached report. The completed report is attached.

Suggestion

The board may want to consider routine monitoring of instream flow.

Enc: Stillwater Report

DRAFT REPORT ◦ NOVEMBER 2022

Pico Creek Instream Flow Study



PREPARED FOR

San Simeon Community Services District
111 Pico Avenue
San Simeon, CA 93452

PREPARED BY

Stillwater Sciences
895 Napa Avenue, Suite B-3
Morro Bay, CA 93442

and

Cleath-Harris Geologists
75 Zaca Lane, Suite 110
San Luis Obispo, CA 93401

For more information:

Ken Jarrett, Stillwater Sciences, (805) 570-7499, ken@stillwatersci.com

Suggested citation:

Stillwater Sciences and Cleath-Harris Geologists. 2022. Pico Creek Instream Flow Study. Draft Report. Prepared by Stillwater Sciences, Morro Bay, California and Cleath-Harris Geologists, San Luis Obispo, California for San Simeon Community Services District, San Simeon, California.

Cover photo: Riffle habitat in Pico Creek at approximately 4 cfs in January 2022 (top left), pool with stage level monitoring equipment (top right), California red-legged frog observed in Pico Creek (bottom left), and riffle habitat in Pico Creek dry in April 2022 (bottom right).

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1 BACKGROUND

The San Simeon Community Services District (District) conducted an Instream Flow Management Study in Pico Creek to assess the relationship between the District's groundwater pumping operations and sensitive aquatic habitat in Pico Creek. Results from this study will be included in an Addendum to the existing District Master Plan (Phoenix 2018), based on the requirements of Urban Water Management Plans.

Operation of the District's groundwater wells may affect the distribution and/or behavior of sensitive aquatic species in stream sections where streamflow is affected by groundwater pumping and groundwater infiltration. Sensitive species that occur in Pico Creek include federally threatened south-central California coast steelhead (anadromous *Oncorhynchus mykiss*), tidewater goby (*Eucyclogobius newberryi*), and California red-legged frog (*Rana draytoni*) (National Marine Fisheries Service [NMFS] 2013, Rathburn et al. 1993).

The Pico Creek watershed drains a 15-square-mile area of the southern Coast Range in San Luis Obispo County. Originating from the flanks of the Santa Lucia Mountains, Pico Creek transitions from mountainous headwater terrain (maximum elevation approximately 3,400 feet [ft] above mean sea level) to lower gradient valley depositional areas before draining to the Pacific Ocean approximately 4 miles north of the town of Cambria. Pico Creek is divided into two subbasins with their headwaters in the Santa Lucia Mountains: North Fork Pico Creek and South Fork Pico Creek (Figure 1).

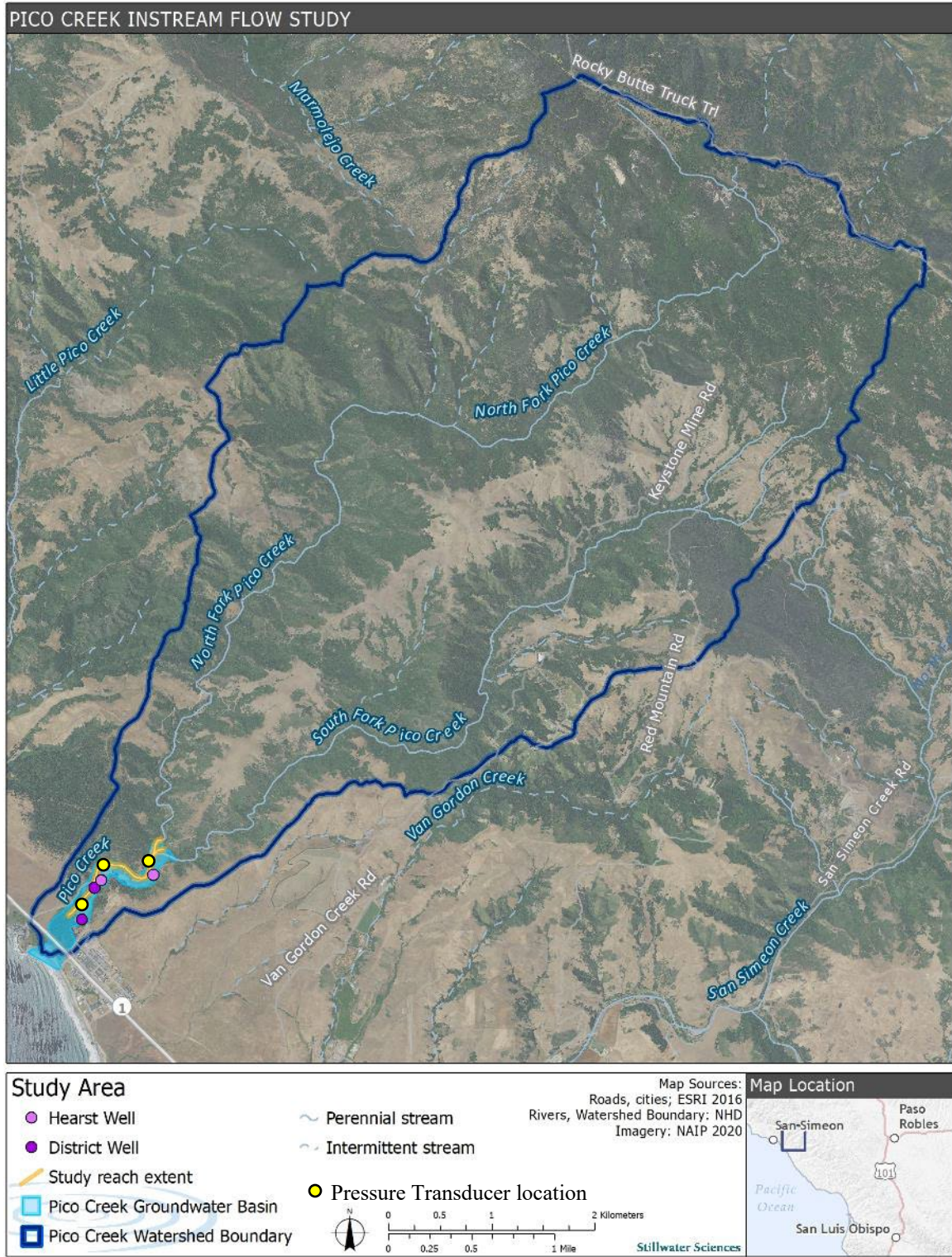


Figure 1. Study Area.

2 INTRODUCTION

Similar to other Coast Range watersheds, Pico Creek naturally exhibits seasonal surface flow and extensive intermittent reaches due to highly variable patterns of precipitation and the complex geology of the region (NMFS 2013). The highest flows in Pico Creek generally occur during the winter in response to high-intensity rainfall when stream flows typically increase, peak, and subside rapidly. This hydrologic attribute is characteristic of a “flashy” hydrograph, whereby a rapid increase in discharge occurs over a relatively short time period with a quickly developed peak discharge in relation to normal baseflow. During the summer, extensive portions of Lower Pico Creek and North Fork Pico Creek frequently go dry, as would have occurred under natural conditions (NMFS 2013).

There are many functions of instream flows throughout the year, including sufficient flow to support important fish development stages, suitable water quality conditions in the lagoon, and essential geomorphic processes. Figure 2 shows the timing of important development stages for steelhead along with the seasonal flow pattern for Pico Creek and the monthly average District production volumes. Descriptions of special status aquatic species found in Pico Creek are provided below.

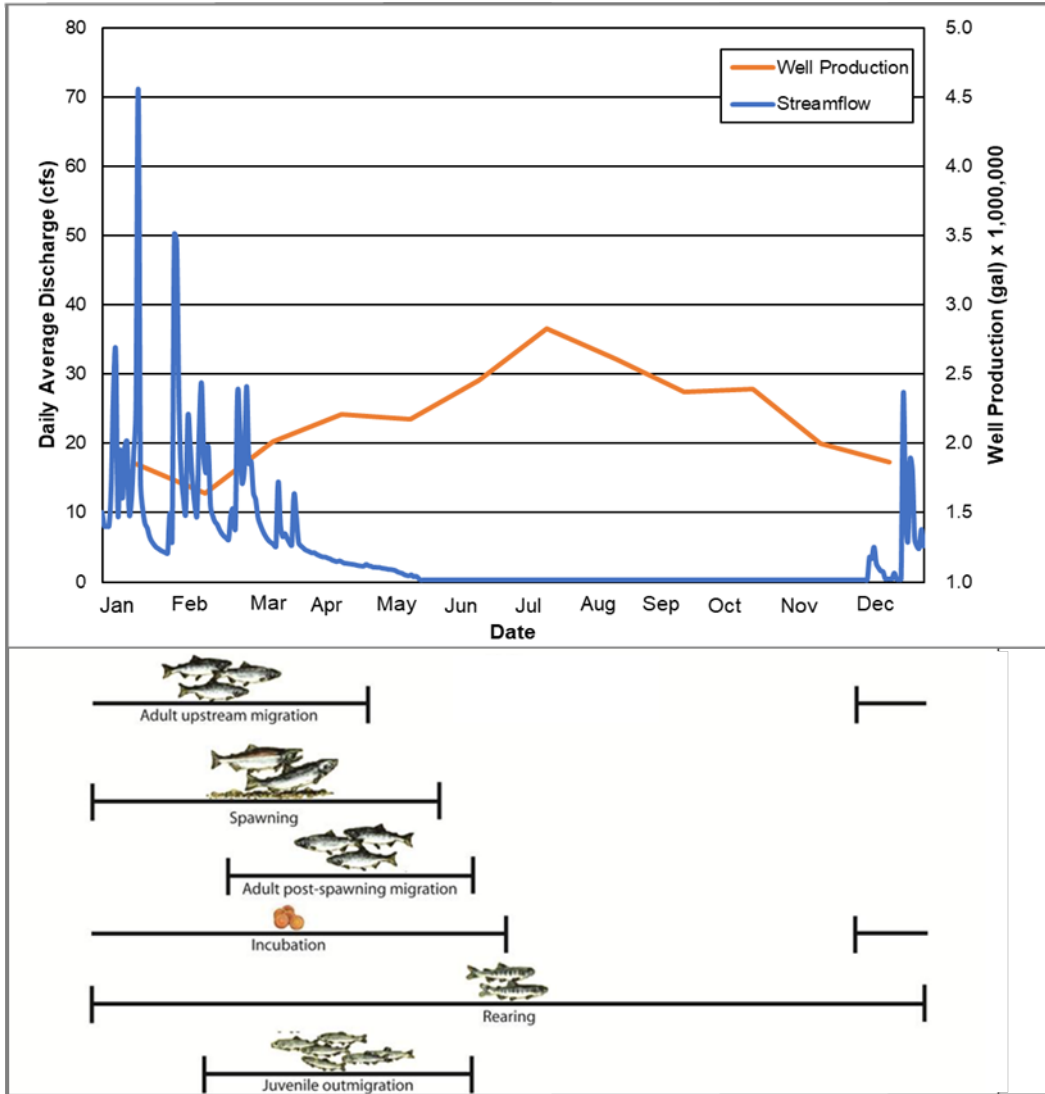


Figure 2. Hypothetical hydrograph showing seasonal flow variation within Pico Creek along with typical district pumping production volumes, and life history timing of steelhead (Shapovalov and Taft 1954).

2.1 Special Status Species

Special status aquatic species that occur in Pico Creek include two federally listed fish species including steelhead and tidewater goby, and one federally listed amphibian, California red-legged frog (CRLF).

2.1.1 Steelhead

Steelhead found in the Pico Creek watershed belong to the South-Central California Coast Distinct Population Segment (DPS), which includes steelhead populations that inhabit coastal stream networks from the Pajaro River (San Benito County) south to, but not including, the Santa Maria River (NMFS 2013). Within this DPS, the population of steelhead in the Pico Creek

watershed has been identified as a Core 2 population, which means they have: (1) a high priority for recovery actions, (2) a known ability or potential to support viable populations, and (3) the capacity to respond to recovery actions. Although Core 2 populations are generally smaller and may have less diverse and complex threats than Core 1 populations, both Core 1 and Core 2 populations are the principal focus of NMFS recovery actions for the DPS (NMFS 2013). NMFS (2013) lists Pico Creek as one of the “best preserved and protected” streams in the region. The only threat rated as “high” for Pico Creek is the frequent channel drying within the mainstem and North Fork Pico Creek, which NMFS reports is natural but can be exacerbated by groundwater extraction and surface water diversions (NMFS 2013).

Steelhead is the anadromous form of *O. mykiss*, in which juveniles rear in freshwater rivers and creeks, migrate to the ocean to mature to adults, and return to freshwater rivers and creeks to spawn. Adult steelhead generally leave the ocean to return to their natal streams from December through March and spawn in late winter or spring (Figure 2) (Meehan and Bjornn 1991, Behnke 1992). Female steelhead construct redds in suitable gravels (0.39–1.18 inches in diameter [Moyle 2002]), often in pool tailouts and heads of riffles, or in isolated patches in cobble-bedded streams. Steelhead eggs incubate in the redds for 3–14 weeks, depending on water temperatures (Shapovalov and Taft 1954, Barnhart 1991). After hatching, young steelhead remain in the gravel for an additional two–five weeks while absorbing their yolk sacs, and then emerge in spring or early summer as fry (Figure 2) (Barnhart 1991).

After emergence, steelhead fry utilize shallow, low-velocity habitats, typically found along stream margins and in low-gradient riffles (Hartman 1965, Fontaine 1988). As fry grow and improve their swimming abilities in late summer and fall, they increasingly show a preference for higher water velocity and deeper mid-channel areas near the thalweg (the deepest part of the channel) in locations with cover (Hartman 1965, Everest and Chapman 1972, Fontaine 1988). Locations with high water velocity and cover likely provide juvenile steelhead resting locations while they watch for drifting invertebrates being carried by flow. Aquatic invertebrates comprise a key item in the diet of juvenile steelhead.

Juvenile steelhead typically rear in freshwater for two to three years before outmigrating to the ocean as smolts (NMFS 2013). The duration of time juveniles spend in freshwater appears to be related to growth rate, with larger, faster-growing members of a cohort smolting earlier (Peven et al. 1994). Steelhead in areas with warm water temperatures, where feeding and growth are possible throughout the winter, may require a shorter period in freshwater before smolting, while steelhead in colder, more northern, and inland streams may require three or four years before smolting (Roelofs 1983). Juvenile steelhead outmigration typically occurs from March through June (Figure 2). Monitoring efforts in San Luis Obispo Creek documented the majority of juvenile steelhead outmigration from March through May, along with a smaller secondary migration occurring during the fall (Spina et al. 2005).

Habitat requirements for different age classes of juvenile steelhead are relatively similar, except that as fish grow, they require more space for foraging and cover. Age 0+ steelhead use shallow-water and low-velocity habitats, such as stream margins and low-gradient riffles to meet their energetic demands and to escape predators (Hartman 1965, Moyle 2002). Older juvenile steelhead (age 1+/2+), because of their larger size, have higher energetic demands and require deeper, more complex pools, and large rocky substrate or in-channel wood for cover while feeding (Hartman 1965, Fontaine 1988, Spina 2003).

Nearly all elements of juvenile steelhead rearing habitat are strongly influenced by instream flows, which affect rearing habitat area, the depth and volume of pools, connectivity between

habitat types, water velocity, and water temperatures. Streamflow also dictates the quantity of drifting invertebrates that reach feeding steelhead (Harvey et al. 2006), with higher summer flows allowing steelhead to better maintain feeding rates during periods of higher water temperatures when metabolic demands are greater (Krug et al. 2012). During periods of low flows and high air temperatures that can occur from the late spring through early fall, water temperature and food availability are critical environmental factors for rearing juvenile steelhead. In general, temperatures less than 20°C are considered suitable for rearing steelhead (Hayes et al. 2008); however, in locations near their southern extent, steelhead have been reported to have optimal performance at temperatures over 24°C (Verhille et al. 2016). In streams along the central California coast, deep pool habitat (>1.5 ft) with sufficient instream cover likely provides critical over-summer refuge habitat for juvenile steelhead in intermittent streams (Spina 2003).

In some central California coast watershed, seasonal lagoons have also been shown to provide a critical role in supporting steelhead populations by providing important juvenile steelhead rearing habitat. Juvenile steelhead that rear in lagoon habitat over the summer have been shown to have rapid growth rates compared to growth in upstream locations (Hayes et al. 2008). Larger steelhead that reared in seasonal lagoon habitat in Scott Creek (Santa Cruz County), for example, were found to account for over 80% of the returning adult population (Bond et al. 2008). In some cases, lagoons have the potential to contribute to the majority of steelhead smolt produced in small coastal watersheds (Smith 1990).

During studies conducted in Pico Creek, downstream of Pico Creek Road, during 1992–1993 Rathburn et al. (1993) reported observations of juvenile steelhead during the spring throughout Pico Creek and in the lagoon. By late June, juvenile steelhead were primarily found in isolated pools and the lagoon. In July, the channel was dry upstream of the District wells (Rathburn et al. 1993).

2.1.2 Tidewater goby

Tidewater goby are federally listed as endangered and designated as a species of special concern by the State of California. They are endemic to the California coast, mainly in small lagoons and near stream mouths in the uppermost brackish portion of larger bays (Moyle 2002, USFWS 2005). Tidewater goby have been observed in high abundance in Pico Creek lagoon; however, critical habitat for tidewater goby is not designated in the watershed. Critical habitat is designated nearby in Little Pico Creek to the north and in San Simeon Creek to the south (USFWS 2013).

Tidewater goby are small fish that are adapted to estuarine/lagoon environments. The species is considered short-lived (generally for one year), highly fecund (females produce 300–500 eggs per batch and spawn multiple times per year) and disperse infrequently via marine habitat but have no dependency on marine habitat for their life cycle (Swift et al. 1989, Lafferty et al. 1999). Reproduction is generally associated with the closure and filling of the estuary (late spring to fall), typically beginning in late April or May and continuing into the fall, although the greatest numbers of fish are usually produced in the first half of this time period. Breeding occurs in slack shallow waters of seasonally disconnected or tidally muted lagoons, estuaries, and sloughs. Males dig burrows vertically into sand 4 to 8 inches deep and defend the burrows until hatching (SCR Project Steering Committee 1996). Their diet consists mainly of small animals, usually mysid shrimp (*Mysidopsis bahia*), gammarid amphipods (*Gammarus roeseli*), and aquatic insects, particularly chironomid midge (Diptera: Chironomidae) larvae (Swift et al. 1989, Swenson 1997, Moyle 2002). Tidewater goby have been documented in high numbers in Pico Creek Lagoon and the lower few hundred meters of stream when surface flows are present (Rathburn et al. 1993).

The USFWS (2013) states that habitat characteristics required to sustain the tidewater goby's life history processes include:

Persistent, shallow (in the range of approximately 0.3 to 6.6 ft), still-to-slow-moving lagoons, estuaries, and coastal streams with salinity up to 12 ppt, which provide adequate space for normal behavior and individual and population growth that contain one or more of the following: (a) Substrates (e.g., sand, silt, mud) suitable for the construction of burrows for reproduction; (b) Submerged and emergent aquatic vegetation, such as pondweed (*Potamogeton pectinatus*), widgeongrass (*Ruppia maritima*), bulrush (*Typha latifolia*), and sedges (*Scirpus* spp.), that provides protection from predators and high flow events; or (c) Presence of a sandbar(s) across the mouth of a lagoon or estuary during the late spring, summer, and fall that closes or partially closes the lagoon or estuary, thereby providing relatively stable water levels and salinity.

2.1.3 California red-legged frog

California red-legged frog (CRLF) are federally listed as threatened and are a California Department of Fish and Wildlife (CDFW) Species of Special Concern. The species' range occurs from south of Elk Creek in Mendocino County to Baja California, with isolated remnant populations occurring in the Sierra foothills, from sea level to approximately 8,000 ft (Stebbins 1985, Shaffer et al. 2004). Most CRLF populations are currently largely restricted to coastal drainages on the central coast of California. Critical habitat for CRLF is excluded from Pico Creek under a conservation easement (USFWS 2010).

CRLF habitat includes wetlands, wet meadows, ponds, lakes, and low-gradient, slow-moving stream habitat. Breeding generally occurs from December through April in aquatic habitats characterized by still or slow-moving water with deep pools (usually 1.6 ft deep or greater) and emergent and overhanging vegetation (Jennings and Hayes 1994). CRLF egg masses contain between 2,000 and 5,000 eggs (USFWS 2002). Breeding sites can be ephemeral or permanent; if ephemeral, inundation is usually necessary into the summer months (through July or August) for successful metamorphosis. However, locations that dry out after successful metamorphosis occurs can be beneficial to CRLF because it helps prevent invasive predators such as bullfrogs (*Lithobates catesbeianus*) from becoming established (USFWS 2010). Eggs require approximately 20-22 days to develop into tadpoles, and tadpoles require 11 to 20 weeks to develop into juveniles capable of surviving in upland habitats (Bobzien et. al. 2000; Storer 1925; Wright and Wright 1949, as cited in USFWS 2002). CRLF eggs and tadpoles require daily average water temperatures <23°C (73.4°F) (USFWS 2002).

Although some adults may remain resident year-round at favorable breeding sites, others may disperse overland up to one mile or more (Fellers and Kleeman 2007). Movements may be along riparian corridors, but many individuals move directly from one site to another without apparent regard for topography or watershed corridors (Bulger et al. 2003). CRLF sometimes enter a dormant state during summer or in dry weather (aestivation), finding cover in small mammal burrows, moist leaf litter, root wads, or cracks in the soil. However, CRLF frogs in coastal areas are typically active year-round because temperatures are generally moderate (USFWS 2002, Bulger et al. 2003).

2.2 District Pumping Operations

The District provides water services to the unincorporated town of San Simeon through the operation of two groundwater wells located along lower Pico Creek, with a third well located on the Hearst Pico Creek Ranch that provides additional capacity during emergency drought conditions (Figure 1) (Cleath-Harris Geologists 2014). The Hearst Corporation also operates two wells along lower Pico Creek as part of the Hearst Pico Creek Stables, which provide irrigation and water to livestock at an average of 10-acre feet per year (AFY). The District has a water rights license issued by the California State Water Resources Control Board to extract up to 140-AFY from the Pico Creek Valley groundwater basin; however, average annual production averages between 70- and 80-AFY. Groundwater extraction typically increases during the spring and peaks during the summer due to the influx of tourists to the community of San Simeon during this time (Figure 3).

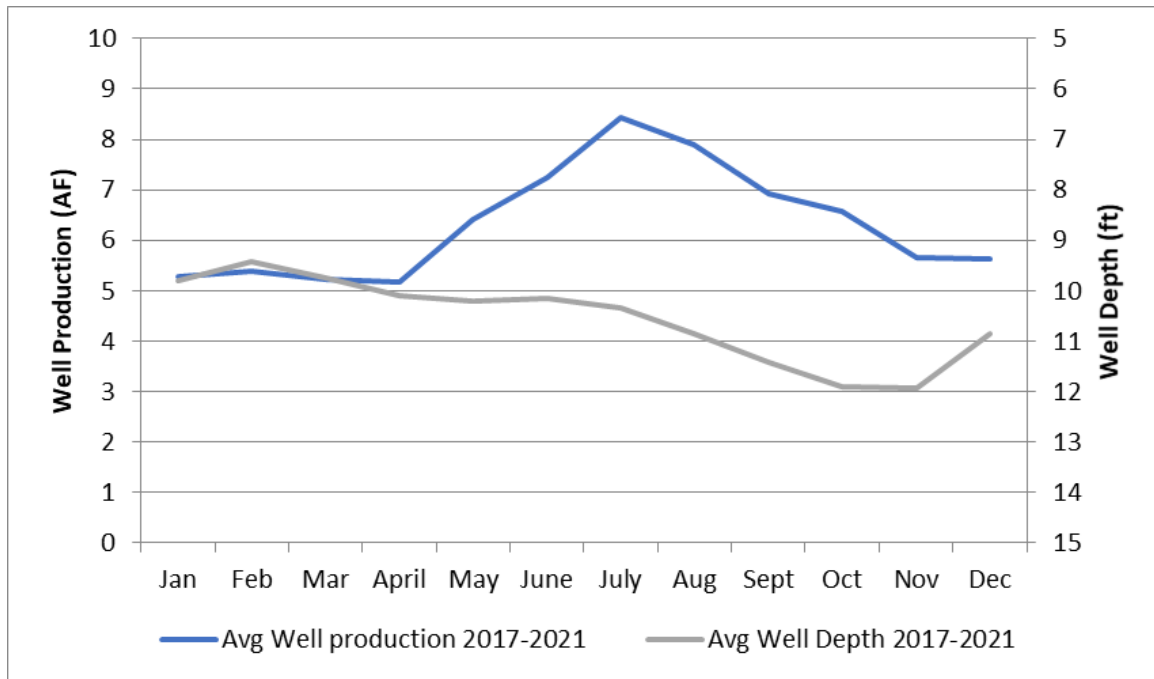


Figure 3. Monthly average groundwater well production and average well depth from District wells during 2017 through 2021.

Average monthly groundwater extraction ranges from 5.28 AF during the winter up to 8.44 AF a month during the summer (based on data collected between 2017–2021) (Figure 3), which is equivalent to daily average rates of 0.09 cfs and 0.14 cfs, respectively. Both wells are equipped with pumps that produce about 325 gallons per minute (0.72 cfs). However, water rights for the District limit groundwater extraction rates to a maximum daily average rate of 0.27 cfs.

Groundwater levels within the Pico Creek Valley groundwater basin generally become saturated after the first rain event in the winter (Cleath-Harris Geologists 2014) and begin to decrease in early spring until groundwater levels reach a minimum elevation during the fall months (Figure 3). The groundwater basin has been defined in earlier investigations. A map prepared of the alluvial deposits (1986 and updated in 2014) show that the alluvium beneath the stream channel adjacent to the District wells is shallower than where the wells are located. The base of the basin

sediments also rises upstream, with the bedrock contact above mean sea level upstream of the Hearst Upper Well (Figure 4).

A previous pumping test (performed February 17, 2006) demonstrated that there is drawdown in the shallower well when the deeper well is pumped. However, the test did not show a flattening of the groundwater level indicating a recharge boundary, such as when a stream inflow boundary is encountered. The flow in the creek was not monitored during the previous test.

Well #1 produces water from aquifers at depths of 15–47 ft. Well #2 produces water from the deepest sand and gravel beds in the basin from depths of 50–60 ft. There is a clayey bed (aquitard) in the groundwater basin beneath the District's wells at depths from approximately 26 to 36 ft below ground. Where present, the aquitard inhibits downward groundwater movement from the shallower sand and gravels to the deeper sand and gravel layers. However, there are areas in the basin where sand and gravels extend from the surface to bedrock and no aquitard is present (e.g., near the Hearst Upper well) (Figure 4).

Test hole logs indicate that the main aquitard is not fully extensive over the basin. Therefore, the semi-confined deeper aquifer can be indirectly recharged from stream flow in the adjacent stream channel, as well as directly recharged from Pico Creek upstream of the Hearst Main Well (Figure 4).

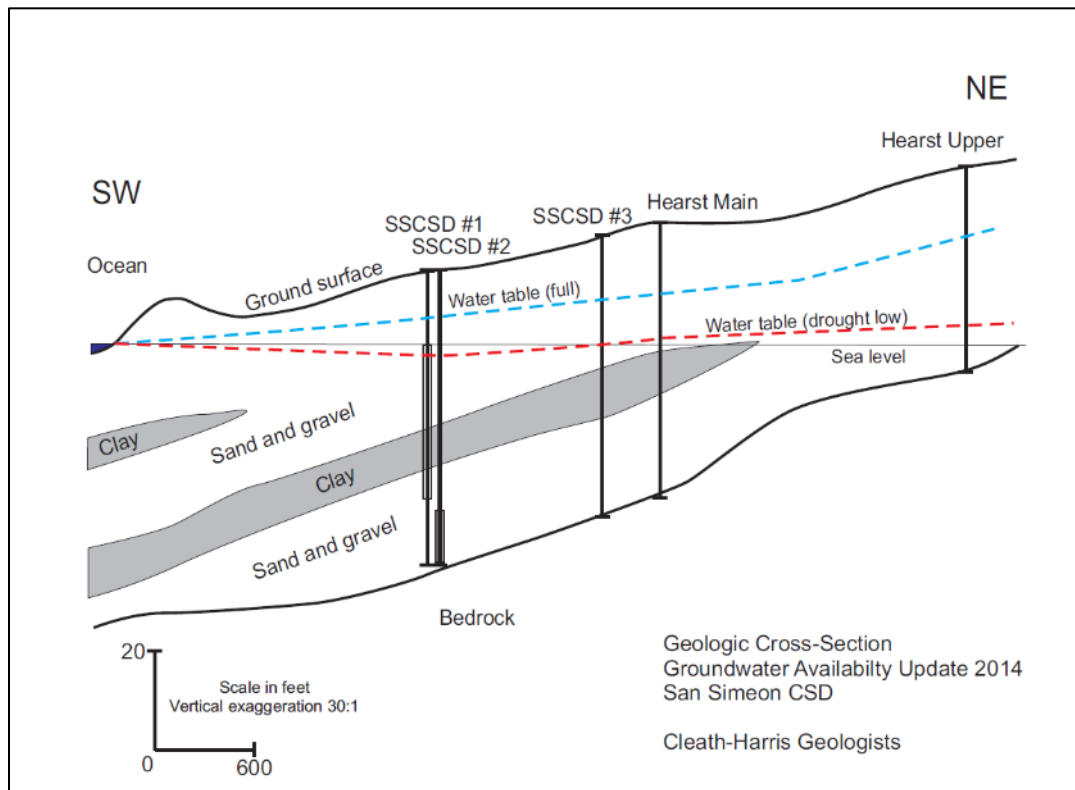


Figure 4. Cross section of Pico Creek groundwater basin and District pumps from Cleath-Harris (2014).

District pumping operations are expected to have the greatest potential influence on aquatic habitat when surface flows are low. With a maximum daily average groundwater pumping rate of

0.27 cfs, District pumping operations are not expected to influence habitat conditions during precipitation driven events when high migratory flows for steelhead likely occur. District pumping operations are also not expected to influence habitat conditions in lower Pico Creek during the summer months when the stream channel is dry, which is expected to occur frequently even under natural conditions (NMFS 2013). However, District pumping operations may potentially influence habitat conditions during relatively low flows (<5 cfs) that occur after the rainy season. During the spring, as surface flows are declining from 3 cfs to 1 cfs, and eventually drying up completely, critical life stages of sensitive aquatic species may be using lower Pico Creek. Juvenile steelhead are potentially rearing within the lower watershed or migrating as smolts downstream to the lagoon and ocean before the stream dries up (as described in Section 2.1.1). CRLF are potentially using this area to develop from eggs and tadpoles prior to metamorphosis into juveniles capable of surviving out of water (as described in Section 2.1.3). This spring period is therefore the most critical for understanding the potential for District pumping operations to influence surface flows and conditions for sensitive aquatic species.

2.3 Goals and Objectives of Study

The goal of the instream flow study is to inform District Master Plan as it relates to sensitive aquatic species that occur in lower Pico Creek. The study objective is to evaluate the relationship between aquatic habitat for sensitive species and District pumping operations in lower Pico Creek.

Results from this study will be used to (1) assess how District pumping operations might affect the biological needs of steelhead, CRLF, and tidewater goby in lower Pico Creek, (2) evaluate District pumping operations to identify constraints and opportunities to contribute towards meeting the biological needs of special status aquatic species in lower Pico Creek, and (3) identify long-term monitoring needs to ensure District pumping operations in the Pico Creek watershed minimize any potential impacts to special status aquatic species due to alterations in surface flows from groundwater pumping.

2.4 Study Area

The Study Area included lower Pico Creek where it flows over the Pico Creek Valley groundwater basin and where District pumps are located. A single Study Reach was established on Pico Creek within the Study Area and focused on the area most likely to be influenced by the District's groundwater pumping. The Study Reach began at the upstream end of the lagoon and extended 0.83 miles upstream to the confluence of the North and South Fork Pico Creek, overlapping with the Pico Creek Valley groundwater basin (Figure 1).

Stream flow data is limited for Pico Creek; however, surface flows within the Study Reach generally sustain steady baseflows during the winter months after the groundwater basin recharges following the first significant rain event. Flows begin to recede after the rainy season as the groundwater level recedes, typically during late spring (Figure 2). By early summer, surface flows typically cease and the channel remains dry through the fall until the groundwater basin refills.

The section of Pico Creek within the Study Area likely serves as a migratory corridor for steelhead, with adult spawning and juvenile rearing limited to the upper watershed where year-round flows are found. Modeling by Boughton and Goslin (2006) suggests similar historic use of Pico Creek by steelhead based on high potential over-summer habitat for juvenile steelhead

predicted in the North Fork and South Fork of Pico Creek and “low potential” within Pico Creek downstream of the confluence (which was the researchers’ lowest designation of habitat quality and assigned to intermittent reaches).

3 METHODS

3.1 Technical Advisory Committee

This project engaged stakeholders through the creation of a Technical Advisory Committee (TAC). The TAC includes individuals from CDFW. The TAC met regularly to assist and advise the project team in the instream flow assessment activities described in Section 3.2 through Section 3.7. The methods described here reflect input from the TAC received on March 3, 2022 and October 5, 2022.

3.2 Habitat Typing

Surveys to characterize physical habitat conditions within the Study Reach were conducted at the beginning of the study. Habitat mapping was conducted when flows were near winter baseflow conditions to facilitate the evaluation of habitat composition while distinct habitat unit breaks were expected to be most apparent. Habitat mapping was conducted following methods developed by Hawkins et al. (1993), McCain et al. (1990), and Flosi et al. (2010), which uses a three-tiered habitat mapping classification system to assist in the identification of individual habitat units in the field. Level III categories are adopted from McCain et al. (1990). Figure 5 shows the relationship among the three levels.

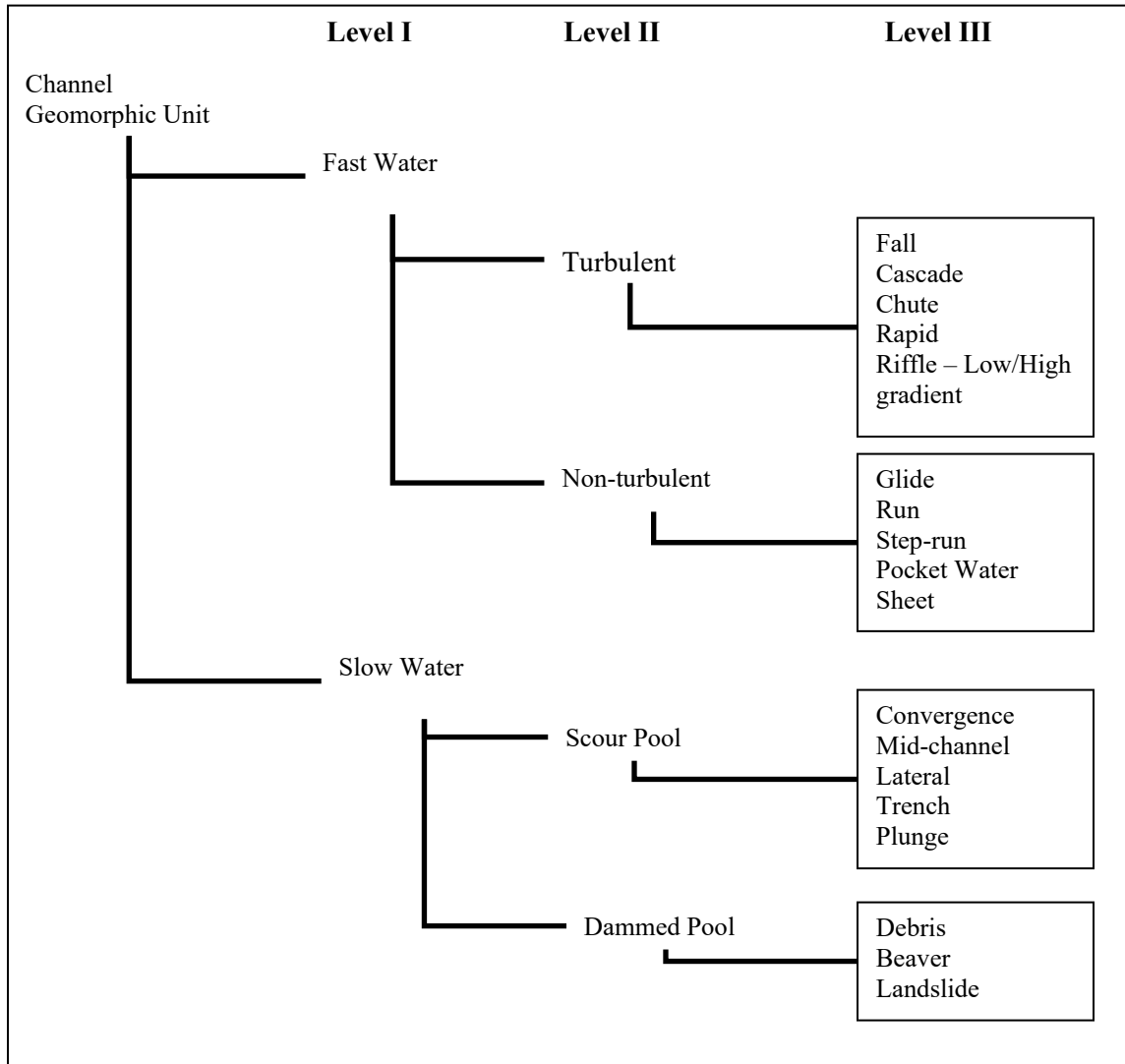


Figure 5. Three-tiered habitat mapping classification system adapted from Hawkins et al. (1993) and McCain et al. (1990).

The Study Reach was divided into individual habitat units that were designated a habitat type (e.g., riffle, run, pool) using the habitat types described in Table 1. Each habitat unit was separately identified where the unit length was at least equal to one to two times the active channel width (McCain et al. 1990, Flosi et al. 2010), or if the unit was otherwise distinctive. The team recorded the length of each habitat unit using a hip chain, which was referenced back to a known starting point or landmark. The mapping was contiguous, with each habitat unit abutted to the next unit. Each distinct habitat unit was numbered consecutively in an upstream direction, beginning at the downstream end of Study Reach. Habitat types used for reach characterization are listed in Table 1. Data from the habitat mapping were used to characterize the Study Reach and establish appropriate study sites.

Table 1. Habitat types to be used in mapping for the Pico Creek instream flow study (Adapted from McCain et al. 1990, Armantrout 1998, Payne 1992, McMahon et al. 1996, and Hawkins et al. 1993).

I. Fast Water:	Riffles, rapid, shallow stream sections with steep water surface gradient.
A. Turbulent:	Channel units having swift current, high channel roughness (large substrate), steep gradient, and non-laminar flow and characterized by surface turbulence.
1. Fall:	Steep vertical drop in water surface elevation. Generally not modelable.
2. Cascade:	Series of alternating small falls and shallow pools; substrate usually bedrock and boulders. Gradient high (more than 4%). Generally not modelable.
3. Chute:	Narrow, confined channel with rapid, relatively unobstructed flow and bedrock substrate.
4. Rapid:	Deeper stream section with considerable surface agitation and swift current; large boulder and standing waves often present. Generally not modelable.
5. Riffles:	Shallow, lower-gradient channel units with moderate current velocity and some partially exposed substrate (usually cobble). <ul style="list-style-type: none"> • Low gradient—Shallow with swift flowing, turbulent water. Partially exposed substrate dominated by cobble. Gradient moderate (less than 4%). • High gradient—Moderately deep with swift flowing, turbulent water. Partially exposed substrate dominated by boulder. Gradient steep (greater than 4%). Generally not modelable.
B. Non-turbulent:	Channel units having low channel roughness, moderate gradient, laminar flow, and lack of surface turbulence.
1. Sheet:	Shallow water flowing over smooth bedrock.
2. Run / Glide:	Shallow (glide) to deep (run) water flowing over a variety of different substrates.
3. Step Run	A sequence of runs separated by short riffle steps. Substrates are usually cobble and boulder dominated.
4. Pocket Water:	Swift flowing water with large boulder or bedrock obstructions creating eddies, small backwater, or scour holes. Gradient low to moderate.
II. Slow Water:	Pools; slow, deep stream sections with nearly flat-water surface gradient.
A. Scour Pool:	Formed by scouring action of current.
1. Trench:	Formed by scouring of bedrock.
2. Mid-channel:	Formed by channel constriction or downstream hydraulic control.
3. Convergence	Formed where two stream channels meet.
4. Lateral:	Formed where flow is deflected by a partial channel obstruction (streambank, rootwad, log, or boulder).
5. Plunge:	Formed by water dropping vertically over channel obstruction.
B. Dammed Pool:	Water impounded by channel blockage.
1. Debris:	Formed by rootwads and logs.
2. Beaver:	Formed by beaver dam.
3. Landslide:	Formed by large boulders.
4. Backwater:	Formed by obstructions along banks (Recorded as a comment or note to mapping).
5. Abandoned Channel:	Formed along main channel, usually associated with gravel bars (Not part of the main active channel – Recorded as a comment or note to mapping).

The following information was gathered during the habitat typing survey:

- Habitat unit number,
- Habitat unit type,
- Habitat unit length,
- Average width,
- Maximum pool depth,
- Substrate composition (two most dominant substrate types),
- Fish cover type, and
- Suitable CRLF breeding habitat based on depth (>1.6 ft) and emergent or overhanging vegetation for egg deposition (Jennings and Hayes 1994).

All habitat data were entered into a Microsoft Excel spreadsheet and checked for quality control. Analytical tasks included a description of existing stream habitat and conditions including the frequency of pool, riffle, and run habitat. Habitat type composition was calculated using the individual unit lengths as well as the number of representative habitat units. The substrate composition for the streambed was presented along with the average stream width, average pool depths, and available fish cover. Physical habitat conditions were summarized based on percent habitat composition (e.g., riffle, run, pool) within the Study Reach.

3.3 Water Surface Level and Temperature Monitoring

To assess habitat conditions for juvenile steelhead rearing, CRLF breeding, and CRLF over-summer rearing as surface flows recede, water depth and water temperature were monitored in three pool habitat locations within the upper, middle, and lower sections of the Study Reach. Hobo pressure transducers were placed within three deep pools (≥ 3 ft), that provide rearing habitat for juvenile steelhead and CRLF breeding. A fourth pressure transducer was installed above the stream to compensate for changes in barometric pressure. Locations monitored with pressure transducers (PT's) are shown on Figure 2 and Figure 6 and include the following locations:

- **PT1** located near the District groundwater wells, upstream of the lagoon;
- **PT2** located approximately halfway between the lagoon and the confluence of North Fork Pico Creek and South Fork Pico Creek; and
- **PT3** located downstream of the confluence North Fork Pico Creek and South Fork Pico Creek at the upstream end of the Pico Creek groundwater basin.

Data were collected during the spring through early summer to assess habitat conditions prior to desiccation. Monthly site visits were conducted to download pressure transducer data and measure water surface levels. Photos were taken of each pool where pressure transducers were installed and of the adjacent riffles. When surface flows were present, discharge was measured within at least one location in the Study Reach. A stage discharge rating curve was fit to the pressure transducer data to estimate stream flow over the course of the study period. Pressure transducers recorded water stage level and water temperatures at 15-minute intervals.



Figure 6. Study Area showing pressure transducer locations (PT1, PT2, and PT3) and pump test stream flow monitoring locations.

Water surface levels and water temperature data monitored using pressure transducers within pool habitats were evaluated to identify locations within the Study Reach where suitable habitat for steelhead and CRLF exists, and at which flows suitable habitat begins to diminish. Data collected from the water surface level and water temperature level monitoring effort were plotted against depth and temperature thresholds required to support suitable juvenile steelhead rearing and CRLF breeding habitat to assess what flows provide suitable habitat within pools. A stage discharge rating curve was fit to the pressure transducer data to estimate stream flows throughout the study period. Water elevation data from the pressure transducers were reviewed during the period when pump tests were conducted to assess changes in pool habitat that may be influenced by ground water pumping.

3.4 Riffle Habitat Assessment

Benthic macroinvertebrate (BMI) production and juvenile steelhead passage conditions were assessed within riffle habitat during each survey. Photo points were established at a minimum of five riffle locations and photographed during each survey. Observations of suitable BMI production in riffles were noted during each survey to assess food production and invertebrate drift into the upstream end of pool habitat where juvenile steelhead are likely to feed. Suitable BMI production was determined in riffles based on estimated water velocity of ≥ 1.0 ft/second and inundation of median substrate particles (D_{50}) per Orth and Maugham 1983, Gore et al. 2001, and Taylor et al. 2009. Fish passage conditions for juvenile steelhead were assessed by measuring water depths within each riffle where photo points occur. Water depths of 0.4 ft or greater within the thalweg of riffle crests were considered suitable for juvenile passage based on CDFW 2017. BMI production and juvenile steelhead passage conditions were referenced to discharge measurements collected during each site visit.

Observations from the riffle assessments were evaluated to understand the amount and distribution of suitable BMI habitat within the Study Reach and the stream flows required to support BMI production and juvenile steelhead passage. Photos collected from the riffle assessment were assessed to help characterize BMI habitat and juvenile steelhead passage conditions over a range of flows.

3.5 Dry and Intermittent Stream Segment Mapping

To help understand where suitable habitat for steelhead and CRLF occurs as stream flow recedes, surface flow conditions within the Study Reach were monitored during each site visit. Surface flow conditions were monitored by mapping dry and intermittent stream sections during each site visit. GPS coordinates of the upstream and downstream extent of each dry section were recorded during each site visit to document when and where surface flow become intermittent as flows receded. Data from the dry and intermittent stream segment mapping were analyzed to describe the seasonal pattern of declining surface flows. Results were compared to the water surface level monitoring data collected within pool locations to assess the ability of isolated pools to retain water without input from surface flows.

3.6 Lagoon Habitat

Pico Creek lagoon was monitored during the study to assess how aquatic habitat for sensitive species that use the lagoon may change as stream flow in Pico Creek recedes. Changes in lagoon size during the study were assessed by monitoring the upstream extent of the lagoon. The

upstream extent of the lagoon was recorded during each site visit using handheld GPS and representative photos of the upstream section of the lagoon were collected. A pressure transducer was installed within the lagoon as part of the Surface Water/Groundwater Connectivity assessment described below (Section 3.7).

Locations of the upstream end of the lagoon were mapped to show changes in lagoon extent over the course of the study. Habitat conditions within the Pico Creek lagoon were assessed based on changes in the lagoon extent during the study period and changes in lagoon stage levels during the pumping tests. Pressure transducer data from the lagoon were assessed for elevation changes during the study period with and during the pumping tests to evaluate the potential influence from District pumping operations on lagoon habitat.

3.7 Surface Water/Groundwater Connectivity

Assessments of the relationship between groundwater extraction and surface flows were conducted to assess stream flow loss during groundwater pumping at each of the two main District Wells. Pumping tests were performed at each of the two District wells in conjunction with the water surface level monitoring discussed above (Section 3.4). Groundwater extractions during the pumping tests were maximized to the extent possible based on water availability and storage capabilities. Pumping tests were performed on weekends when maximum demand typically occurs and the longest duration of pumping could occur. Separate pumping tests were run for each of the two main District wells. All of the water produced during the pumping tests was used to replenish the District reservoir that was drained to a minimum level prior to the testing in order to maximize the duration of the test; none was discharged to waste, per direction from the District.

During these tests, Pico Creek stream flow was monitored to observe evidence of stream flow depletion due to pumping from the District wells. Stream flow monitoring points were established upstream of the wells near PT1 and downstream of the wells just upstream of the lagoon (Figure 6). Measurements were collected at each stream flow monitoring point just before pumping began and then approximately every 15 to 30 minutes throughout the pump test. In addition, the stage levels at PT1, PT2, PT3, and the lagoon level were monitored during these tests to assess the potential influence of groundwater pumping on pool and lagoon habitat.

4 RESULTS

4.1 Habitat Typing

Stream habitat typing was conducted throughout the Study Reach on January 14, 2022 beginning at the upstream end of the lagoon and extending approximately 0.83 miles upstream. The Study Reach is dominated by pool habitat (both mid-channel and lateral scour pools were observed), followed by riffle habitat and run habitat (Figure 7). Substrate within pool habitat was predominantly sand while the riffle and run habitats were dominated by cobble and gravel substrates, respectively (Figure 8). The majority of the channel (43%) contained no cover for fish. The dominant cover type was overhanging vegetation followed by boulder (Figure 9).

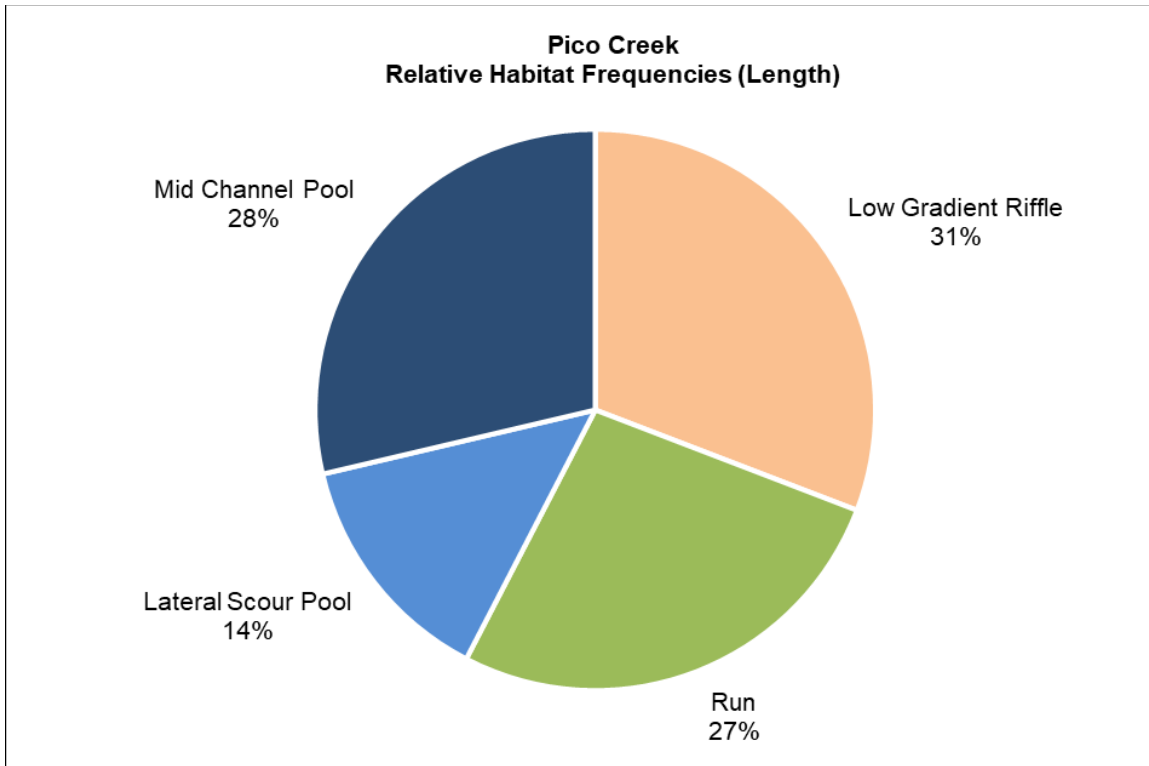


Figure 7. Relative frequency of habitat types (by length) in the Study Reach.

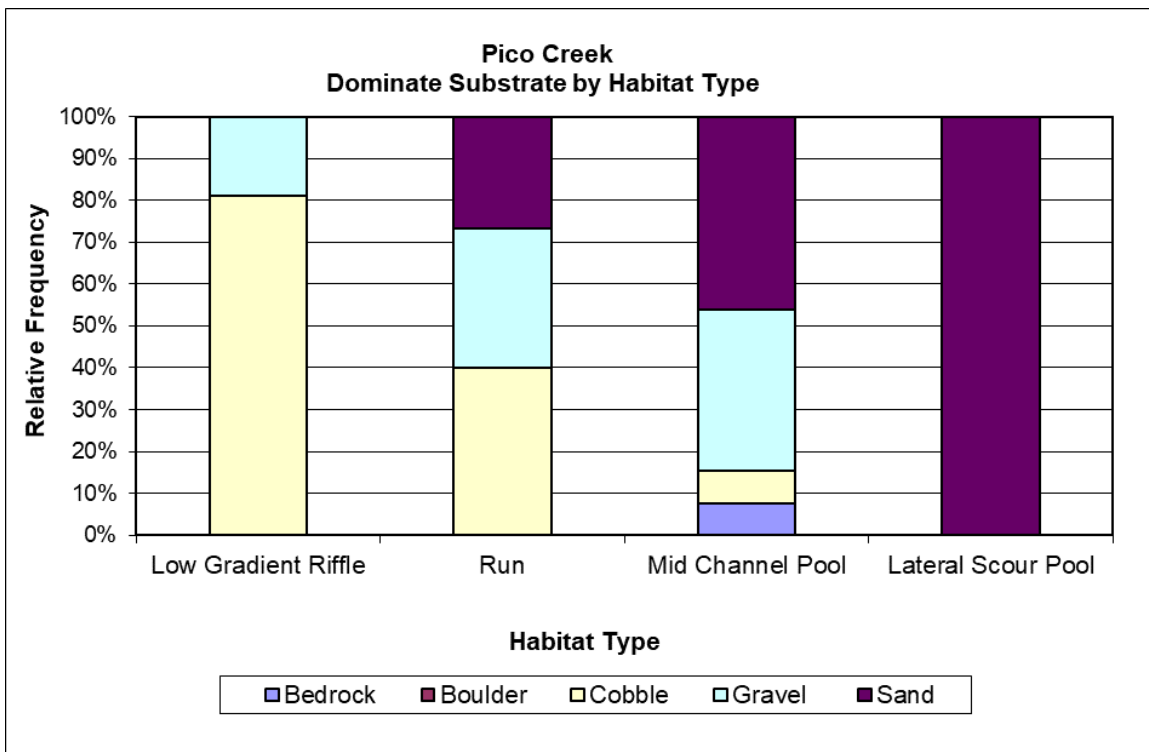


Figure 8. Dominant substrate by habitat type in the Study Reach.

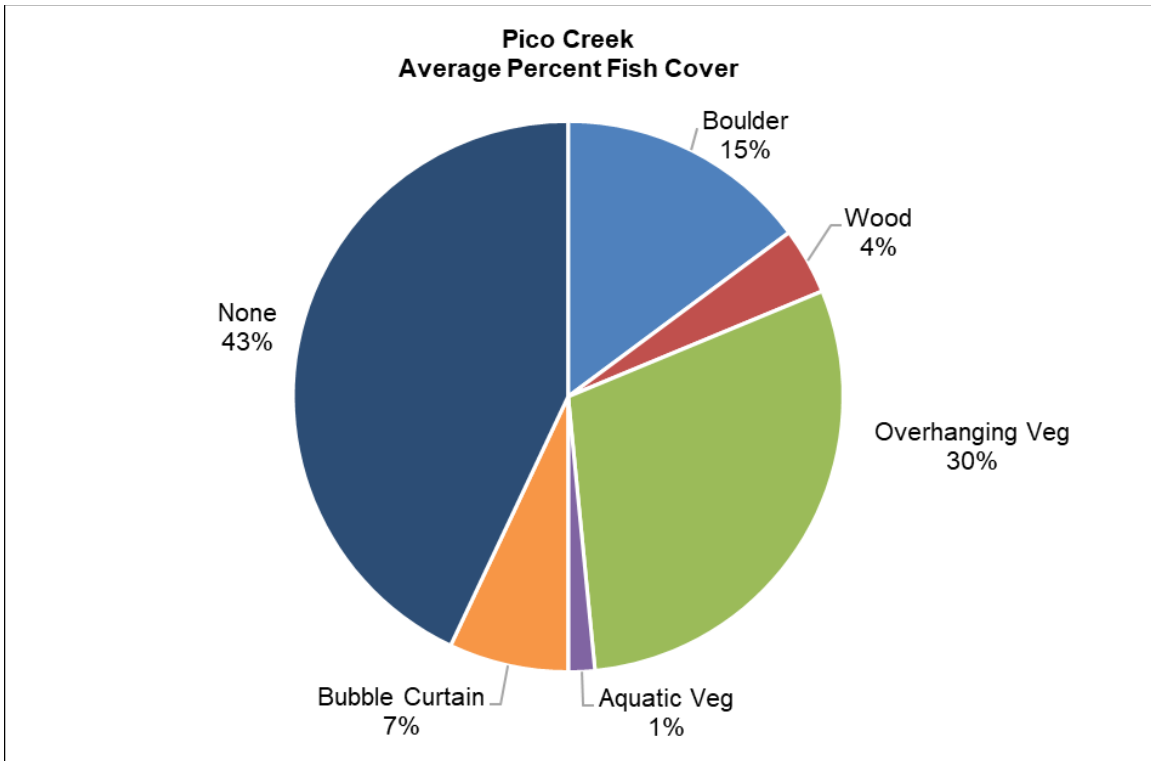


Figure 9. Average percent of fish cover within the Study Area.

4.2 Water Surface Level and Temperature

Pressure transducers were installed in Pico Creek on March 15, 2022 when stream flow was 0.35 cfs. Water levels in pools were generally stable until surface flows became disconnected, at which point pool depths began to decrease quickly. Pool depths showed a quick response to rain events that occurred in late March and in late April. The April rain event occurred after stream flows had become disconnected in the upper section of the Study Reach, when water depths at the pools where PT2 and PT3 were located began to drop. Following the April rain event, water levels in these locations briefly rose by approximately 0.5 ft but then began dropping almost immediately (Figure 10). Photos of each pool where pressure transducers were installed are shown in Figures 11–13.

The downstream pool monitored with a pressure transducer (PT1) had stable pool depths later into the year compared to the upper pools, with water depths remaining stable until early June before levels began dropping. Suitable depths for CRLF breeding and juvenile steelhead rearing remained at this location until early July (Figure 10). Water depths within pools at the upper end of the Study Reach (PT2 and PT3) were generally stable during March and April with the exception of a few spikes following rain events, then began to decrease in depth by late April (Figure 10). In these locations, water depths were suitable for CRLF breeding habitat until late May. Because the pressure transducers were not installed in the deepest part of the pools, PT2 and PT3 were out of the water by late May before the pools dried up. Both pools were observed to be completely dry during the next site visit, which occurred on June 13, 2022, and the pools no longer provided suitable habitat for juvenile steelhead.

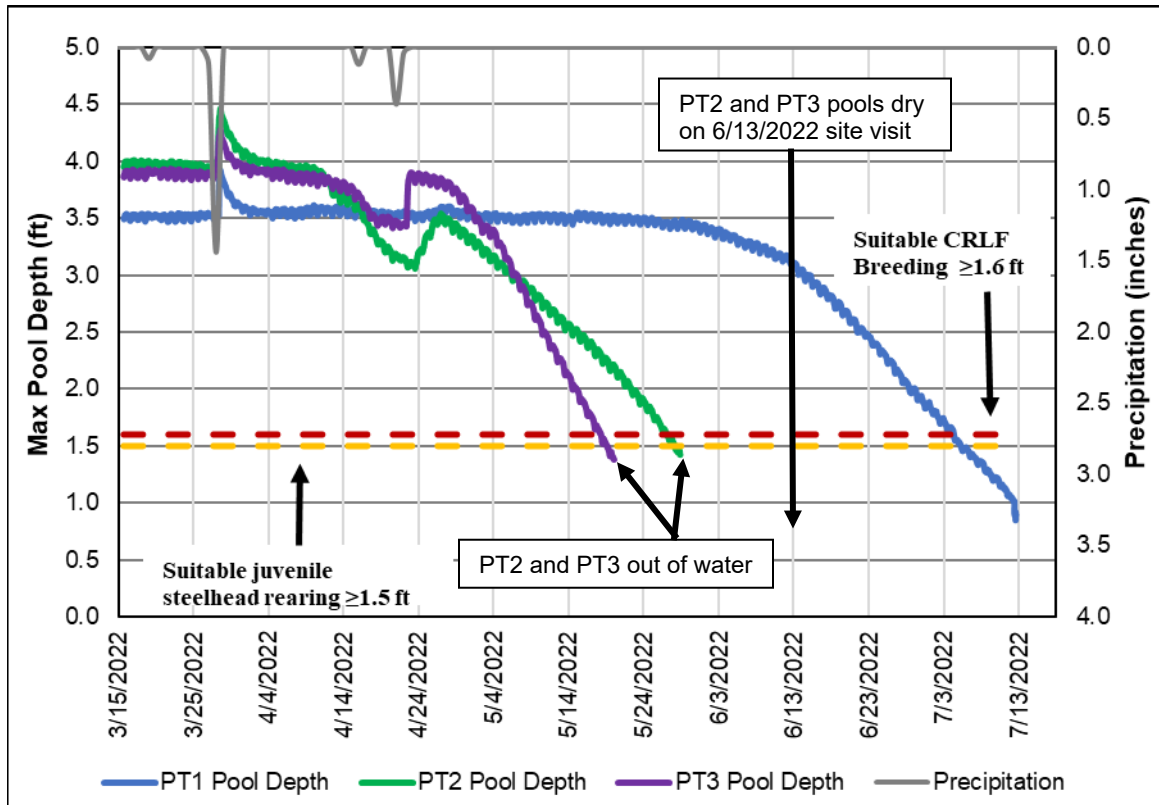


Figure 10. Pool depths in Pico Creek with depth thresholds for CRLF breeding and juvenile steelhead rearing.

** Note, pressure transducers were installed outside of the thalweg to prevent unit movement or loss during storm events and were installed above the stream bed to reduce sediment fouling of equipment, which resulted in Pressure transducers being 1.0 ft to 1.5 ft above the max pool depth.*



Figure 11. Looking upstream at pool where PT1 was installed on: (A) March 30 (0.86 cfs), (B) May 9 (0.05 cfs), (C) June 13 (0.0 cfs), and (D) July 12, 2022 (0.0 cfs).



Figure 12. Looking upstream at pool where PT2 was installed on: (A) March 30 (0.86 cfs), (B) April 15 (0.14 cfs), (C) May 9 (0.05 cfs), and (D) June 13, 2022 (0.0 cfs).

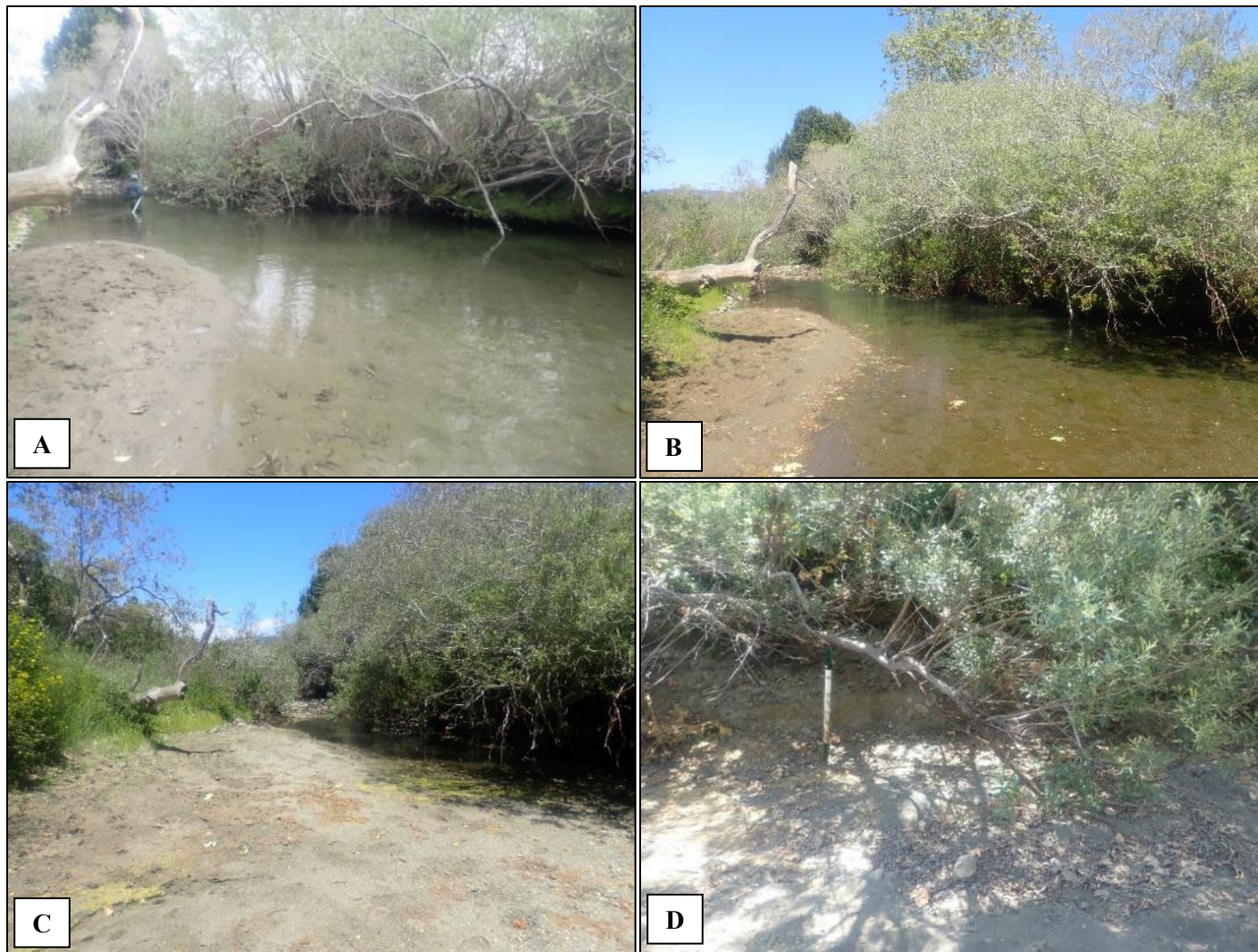


Figure 13. Looking upstream at pool where PT3 was installed on: (A) March 30 (0.86 cfs), (B) April 15 (0.14 cfs), (C) May 9 (0.05 cfs), and (D) June 13, 2022 (0.0 cfs).

4.2.1 Stage discharge ratings

Stream flow was measured throughout the study and ranged from 4.10 cfs on January 14, 2022 to 0.00 cfs on June 13, 2022 (Table 2). A stage discharge rating curve was applied to the pressure transducer stage levels collected at PT1 using the flow measurements collected after PT1 was installed in Pico Creek (March 13, 2022 and after). Estimated stream flow in Pico Creek at PT1 was less than 1.0 cfs for most of the monitoring period, with the exception of a brief spike in stream flow following a large rain event (>1.0 inches of precipitation) in late March 2022 (Figure 14).

Table 2. Stream flow measurements in Pico Creek downstream of the Pico Creek Road bridge.

Date	Stream Flow (cfs)	Notes
01/14/2022	4.10	Flow measured before pressure transducers were installed
2/8/2022	1.56	Flow measured before pressure transducers were installed
3/15/2022	0.35	Pressure transducers installed
3/30/2022	0.86	
4/15/2022	0.14	
4/28/2022	0.11	Outlier, removed from rating curve
5/9/2022	0.05	
6/13/2022	0.00	

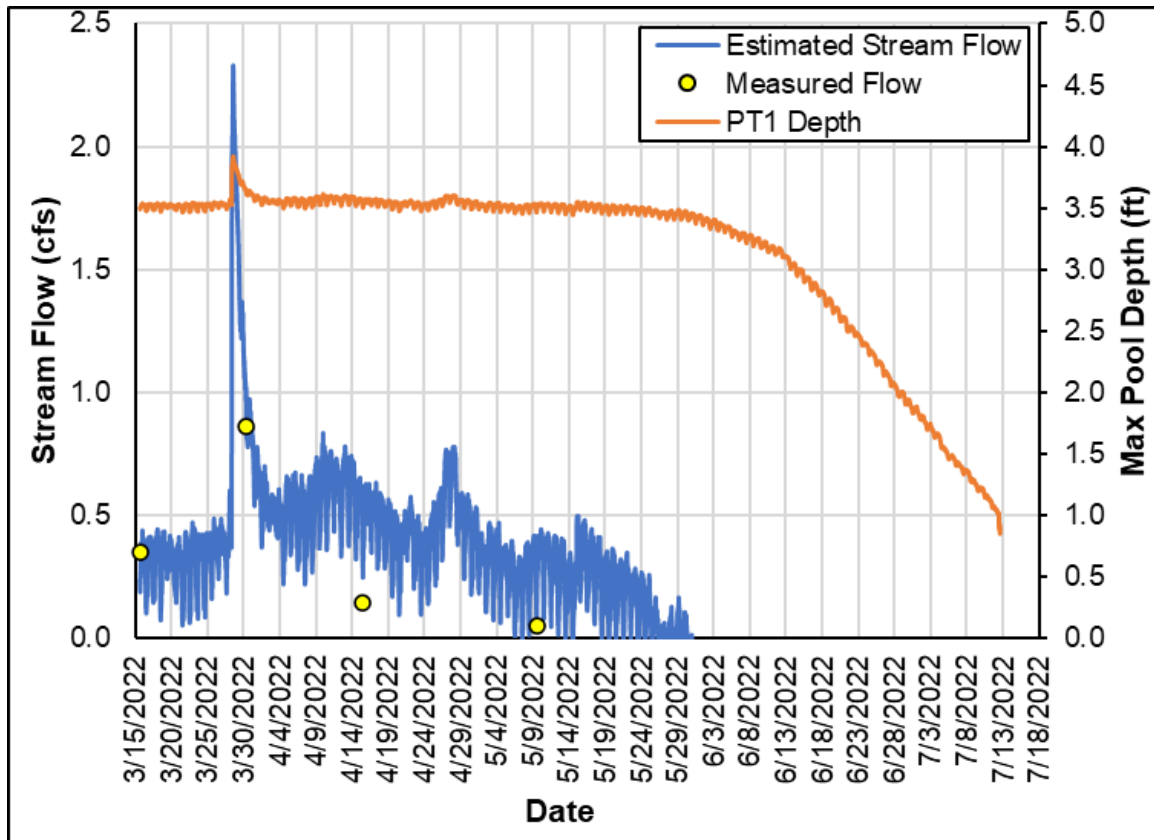


Figure 14. Estimated stream flow in Pico Creek based on stage discharge rating curve for PT1.

4.2.2 Water temperatures

Ambient temperature was recorded on PT1, PT2, and PT3 during the study. All three pools where pressures transducers were installed provided suitable water temperatures for steelhead and CRLF until the pools became dry. Stable and cool water temperatures were recorded on the PTs until pool depths began to decrease. As pool depths decreased, water temperatures became more responsive to the daily fluctuations in air temperature. The downstream end of the Study Reach remained wet later into summer than pools at the upstream end of the Study Reach. Water temperatures recorded at PT1, which remained under water throughout the study, never exceeded suitable levels for steelhead or CRLF (Figure 15) while water temperatures recorded at PT2 and PT3 remained suitable for steelhead and CRLF until they became dry in late May (Figure 16 and Figure 17).

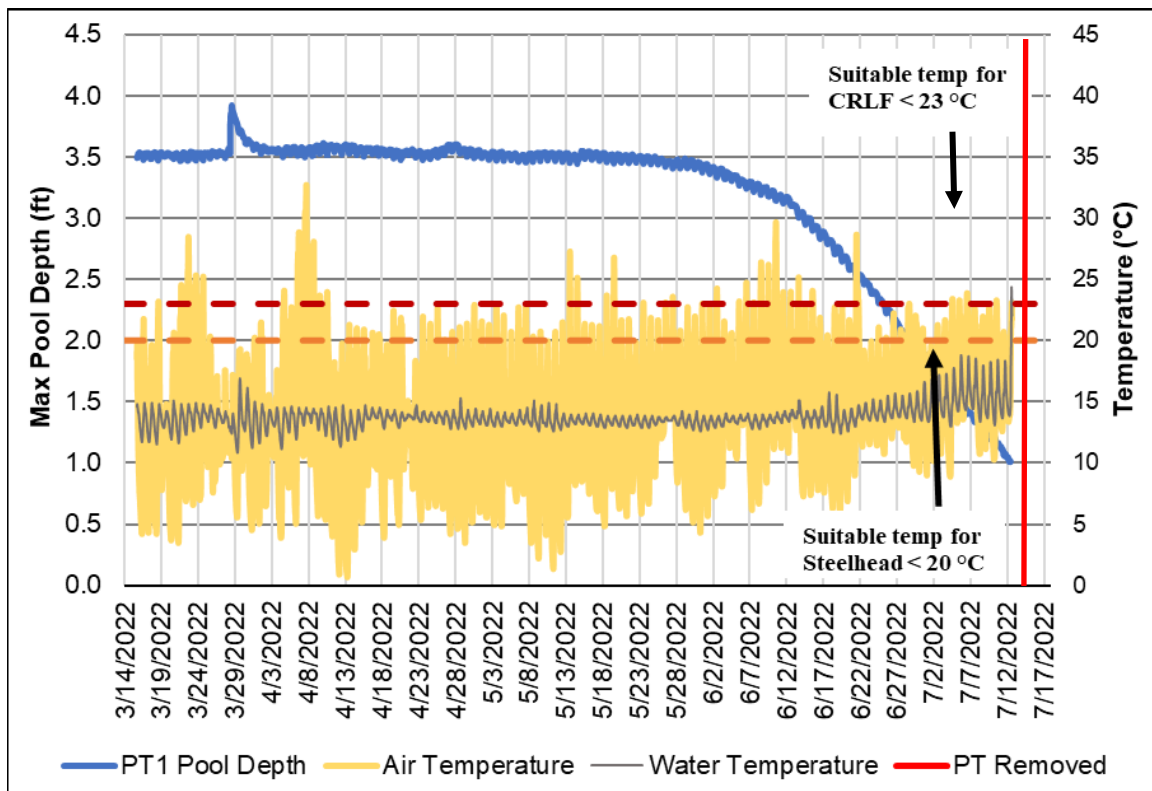


Figure 15. Pool depth and water temperature monitored at PT1.

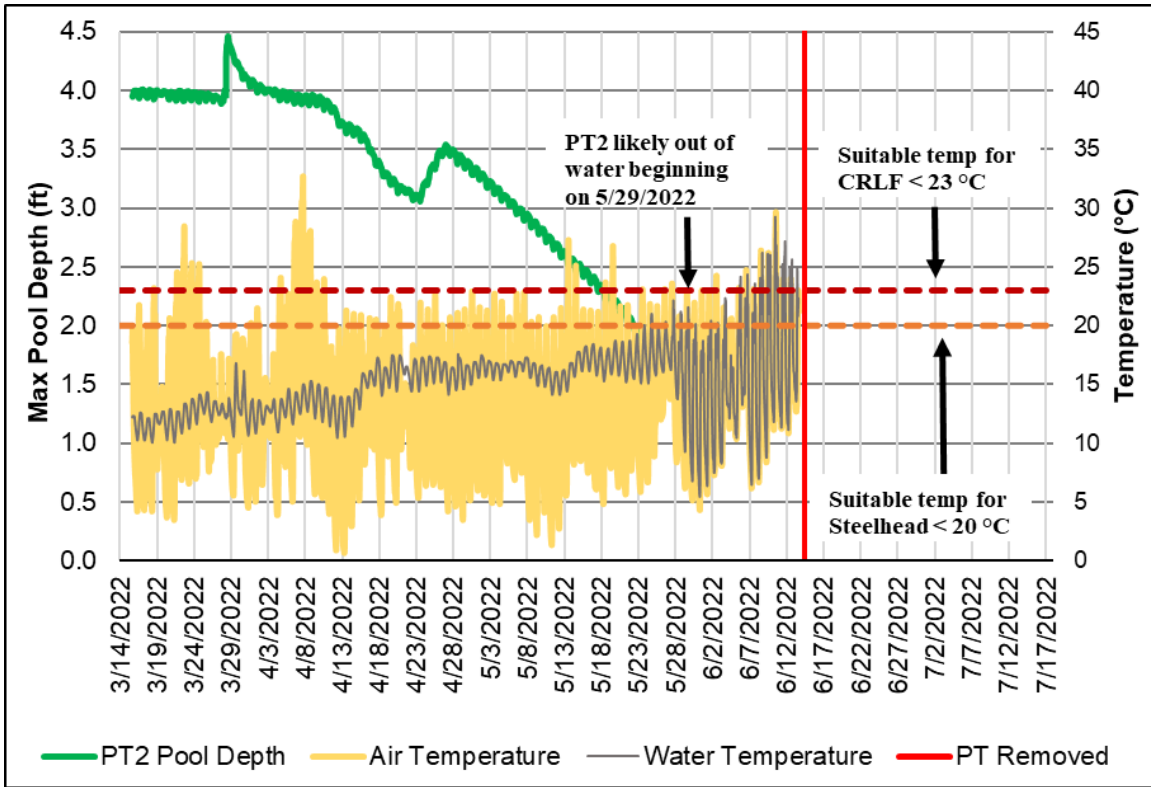


Figure 16. Pool depth and water temperature monitored at PT2.

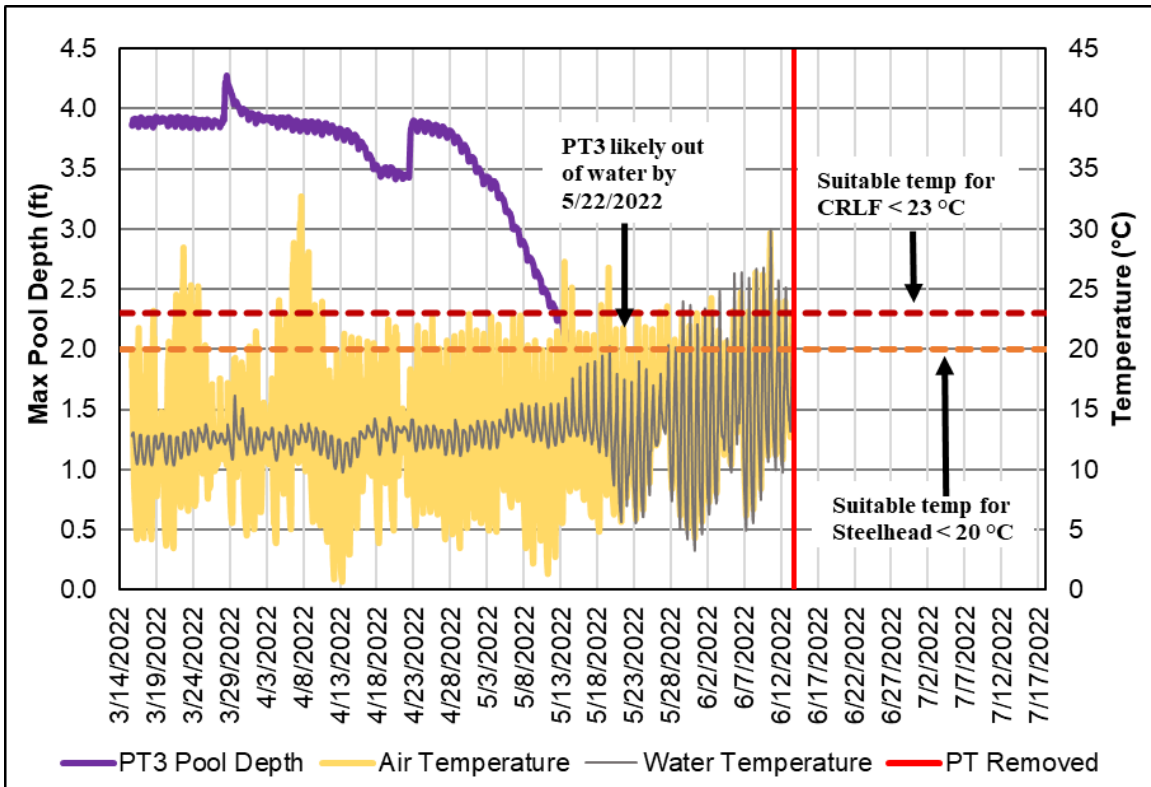


Figure 17. Pool depths and water temperature monitored at PT3.

4.3 Riffle Habitat Conditions

Observations from the riffle assessments were evaluated to understand what flows supported productive BMI habitat and passage conditions for juvenile steelhead within the Study Reach. Suitable conditions to support BMI production in riffles were observed at all riffles assessed when flows ranged from 4.10 cfs to 0.86 cfs. At flows of 0.35 cfs, suitable conditions to support BMI production in riffles were observed at most riffles assessed while a few riffles no longer supported BMI production. When flows were below 0.35 cfs, no suitable habitat for BMI production was observed at any of the riffles assessed (Table 3). Photos showing riffle conditions over a range of flows are included in Figures 18–23.

Flows that provide passage for juvenile steelhead likely occur throughout the Study Reach at flows of 4 cfs and greater. Suitable conditions for juvenile steelhead were observed at all riffles assessed at 4.10 cfs and at most riffles assessed at 1.56 cfs. At 0.86 cfs, conditions to support juvenile steelhead passage were observed at just over half of the riffles assessed. When flows were at 0.35 cfs and below, conditions did not provide passage for juvenile steelhead at any of the riffles assessed (Table 3).

Table 3. Results of Pico Creek riffle habitat assessment for BMI production and juvenile steelhead passage conditions observed during surveys conducted between January 14 through April 28, 2022. *Note, surveys were conducted through July 12, 2022 but conditions no longer supported BMI production or juvenile fish passage after the April 15, 2022 survey.*

Location		Jan. 14, 2022 (4.10 cfs)		Feb. 8, 2022 (1.56 cfs)		March 30, 2022 (0.86 cfs)		March 15, 2022 (0.35 cfs)		April 15, 2022 (0.14 cfs)		April 28, 2022 (0.11 cfs)	
Habitat unit number	PPT#	BMI production	Juvenile passage	BMI production	Juvenile passage	BMI production	Juvenile passage	BMI production	Juvenile passage	BMI production	Juvenile passage	BMI production	Juvenile passage
13	1*	Yes	Yes	Yes	Yes	Yes	No	Yes	No	No	No	No	No
15	1	--	--	--	--	Yes	Yes	Yes	No	No	No	No	No
17	2	--	--	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No
29	3	--	--	--	--	Yes	Yes	Yes	No	No	No	No	No
33	4	--	--	--	--	Yes	No	No	No	No	No	Dry	Dry
35	5	--	--	--	--	Yes	Yes	No	No	No	Dry	No	Dry
37	6	Yes	Yes	Yes	No	Yes	No	Dry	Dry	No	No	Dry	Dry
40	7	--	--	--	--	Yes	Yes	No	No	Dry	Dry	Dry	Dry
46	8	--	--	Yes	Yes	Yes	Yes	Yes	No	Dry	Dry	Dry	Dry
50	9	--	--	--	--	Yes	No	Yes	No	Yes	No	Yes	No

-- indicates location was not assessed on the specified date. Photo points were established on March 15, 2022; however, some locations were photographed during earlier surveys conducted at higher flows during January and February 2022.

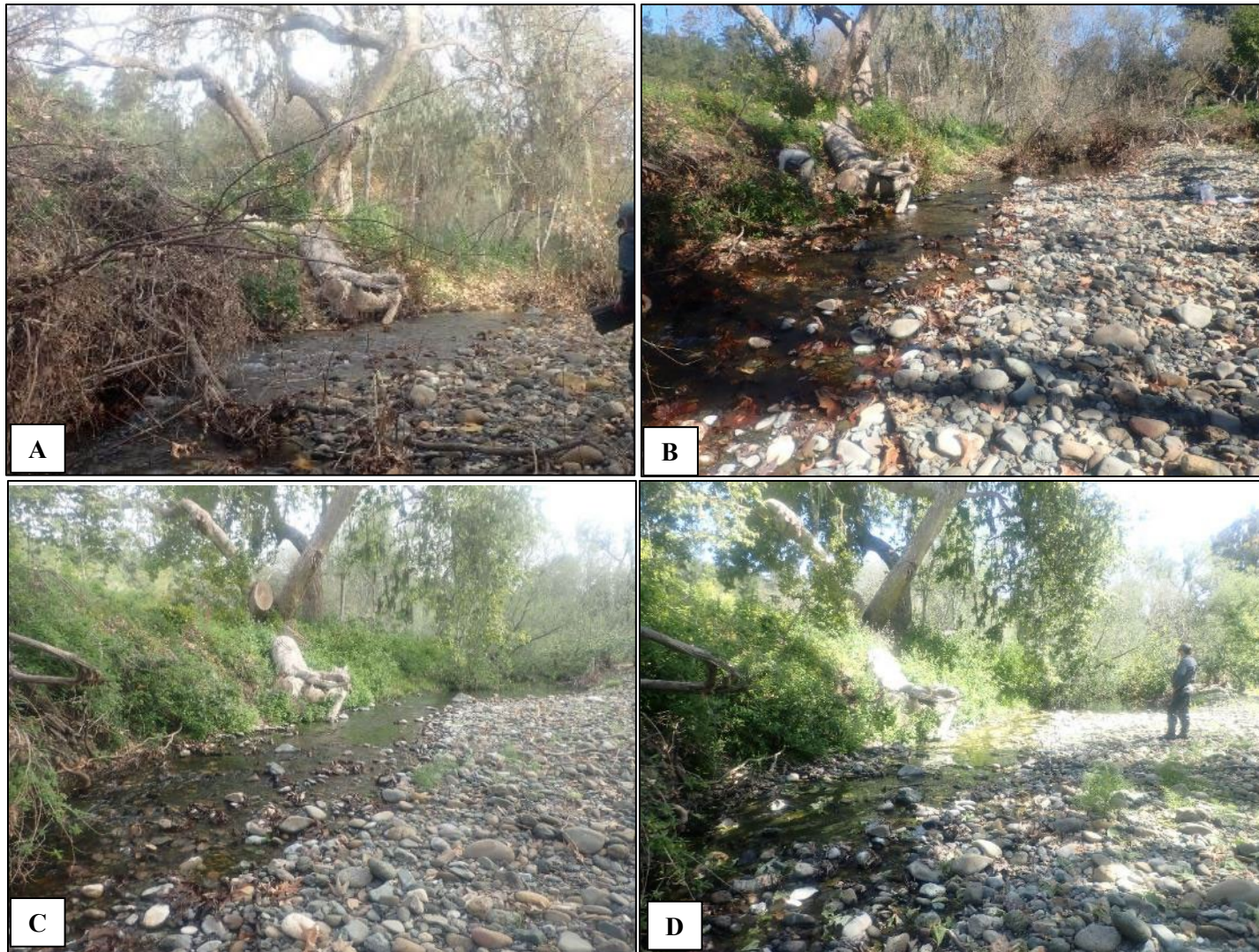


Figure 18. Riffle habitat at PPT1* showing suitable BMI habitat and juvenile steelhead passage at 4.10 cfs (A) and 1.56 cfs (B), BMI habitat but no juvenile steelhead passage at 0.86 cfs (C), and no BMI habitat or juvenile steelhead passage at 0.11 cfs (D).



Figure 19. Riffle habitat at PPT1 showing suitable BMI habitat and juvenile steelhead passage at 0.86 cfs (A), BMI habitat but no juvenile steelhead passage at 0.35 cfs (B) and 0.11 cfs (C), and no BMI habitat or juvenile steelhead passage at 0.05 cfs (D).



Figure 20. Riffle habitat at PPT2 showing suitable BMI habitat and juvenile steelhead passage at 1.56 cfs (A) and 0.86 cfs (B), BMI habitat but no juvenile steelhead passage at 0.35 cfs (C), and no BMI habitat or juvenile steelhead passage at 0.14 cfs (D).



Figure 21. Riffle habitat at PPT6 showing suitable BMI habitat and juvenile steelhead passage at 4.10 cfs (A), BMI habitat but no juvenile steelhead passage at 1.56 cfs (B) and 0.86 cfs (C), and no surface flow when flows measured downstream were 0.35 cfs of less (D).

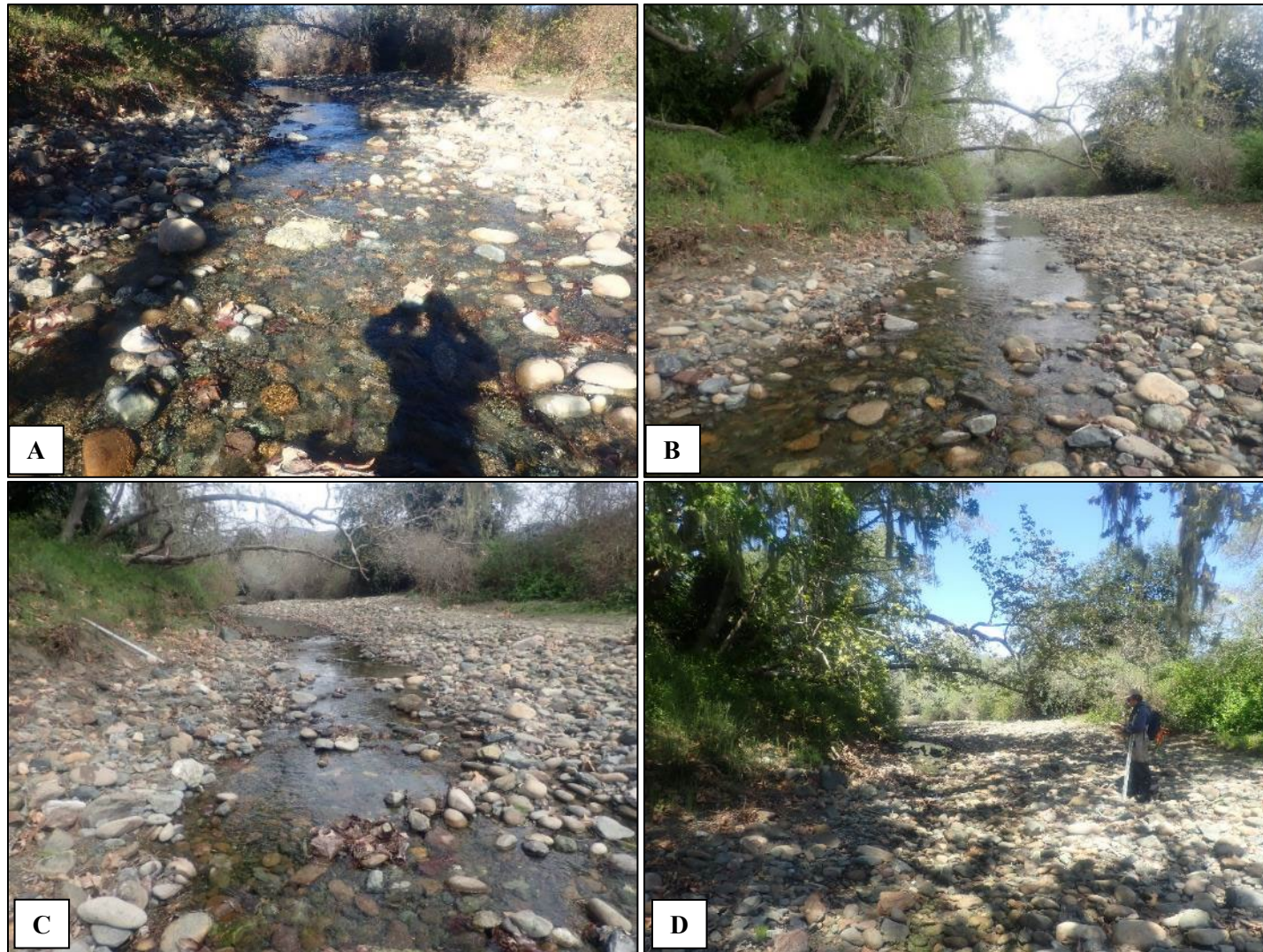


Figure 22. Riffle habitat at PPT8 showing suitable BMI habitat and juvenile steelhead passage at 1.56 cfs (A) and 0.86 cfs (B), BMI habitat but no juvenile steelhead passage at 0.35 cfs (C) and no surface flow when flows measured downstream were 0.14 cfs.



Figure 23. Riffle habitat at PPT9 showing suitable BMI habitat but no juvenile steelhead passage at 0.86 cfs (A), 0.35 cfs (B), and 0.14 cfs (C), and no surface flow when flows measured downstream were 0.05 (D).

4.4 Wet and Dry Stream Channel Mapping

Observations of the stream channel drying out within the Study Reach were observed early in the study. The first observation of disconnected stream flow was observed during March 15, 2022 when a short segment within the middle of the Study Reach (at PPT6) was dry. Following a substantial rain event (1.44 inches) on March 28, 2022, surface flows were observed throughout the entire Study Reach. By April 15, 2022 dry stream channel were observed in two sections within the upper half of the Study Reach and both sections were dry again on April 28, 2022, even after a 0.40 inch rain event occurred on April 21, 2022. On May 9, 2022 the upper half of the Study Reach had no surface flow and water was limited to a few isolated pools. On June 13, 2022, the upper half of the Study Reach was completely dry with no surface flow and no water in isolated pools upstream of the Pico Creek Bridge to the confluence of North Fork and South Fork Pico Creek (Figure 24 and Figure 25). No surface flow was observed throughout the Study Reach on July 12, 2022 but a few small isolated pools were observed between Pico Creek Road and the lagoon.

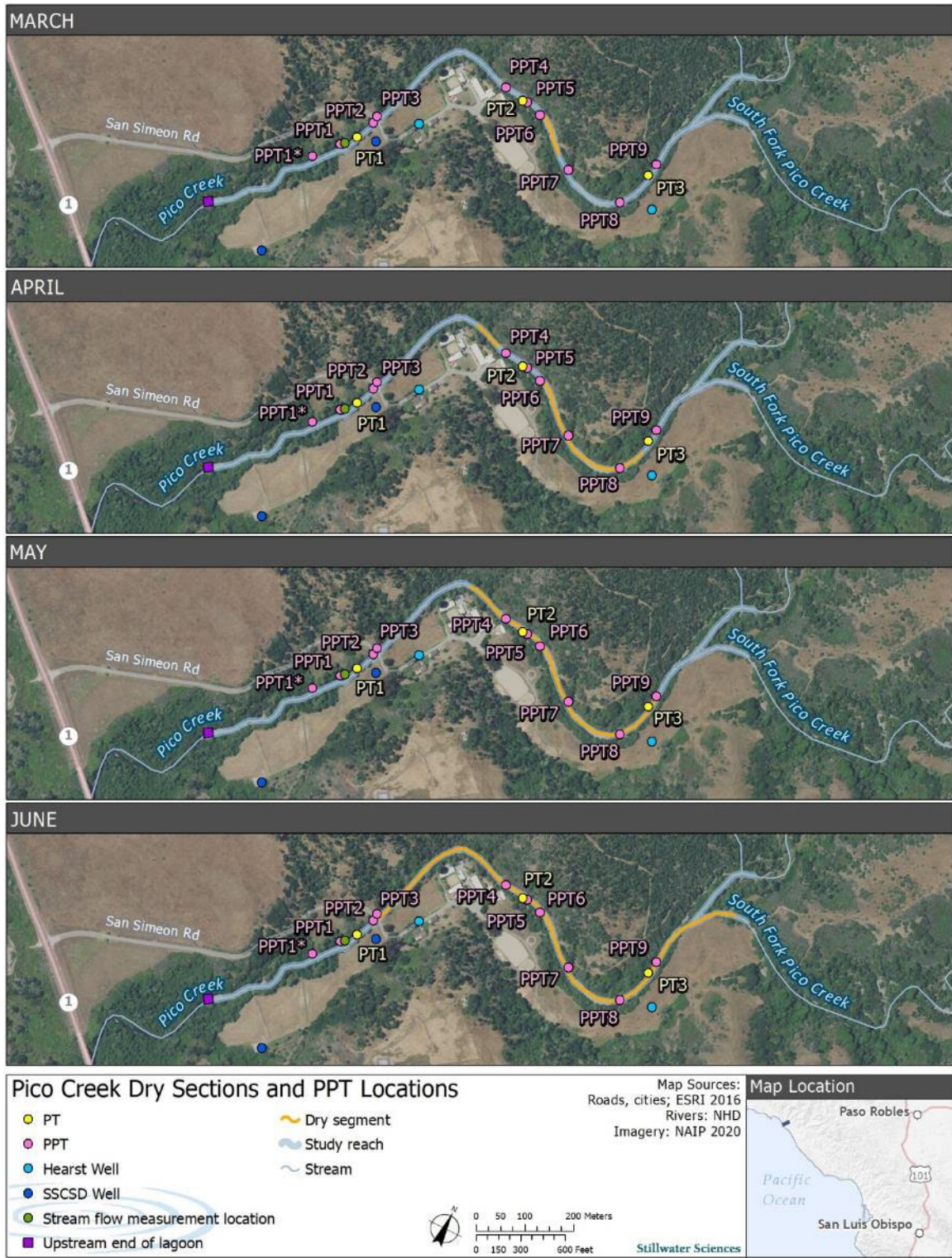


Figure 24. Pico Creek dry segment locations observed during surveys conducted during March through June 2022.

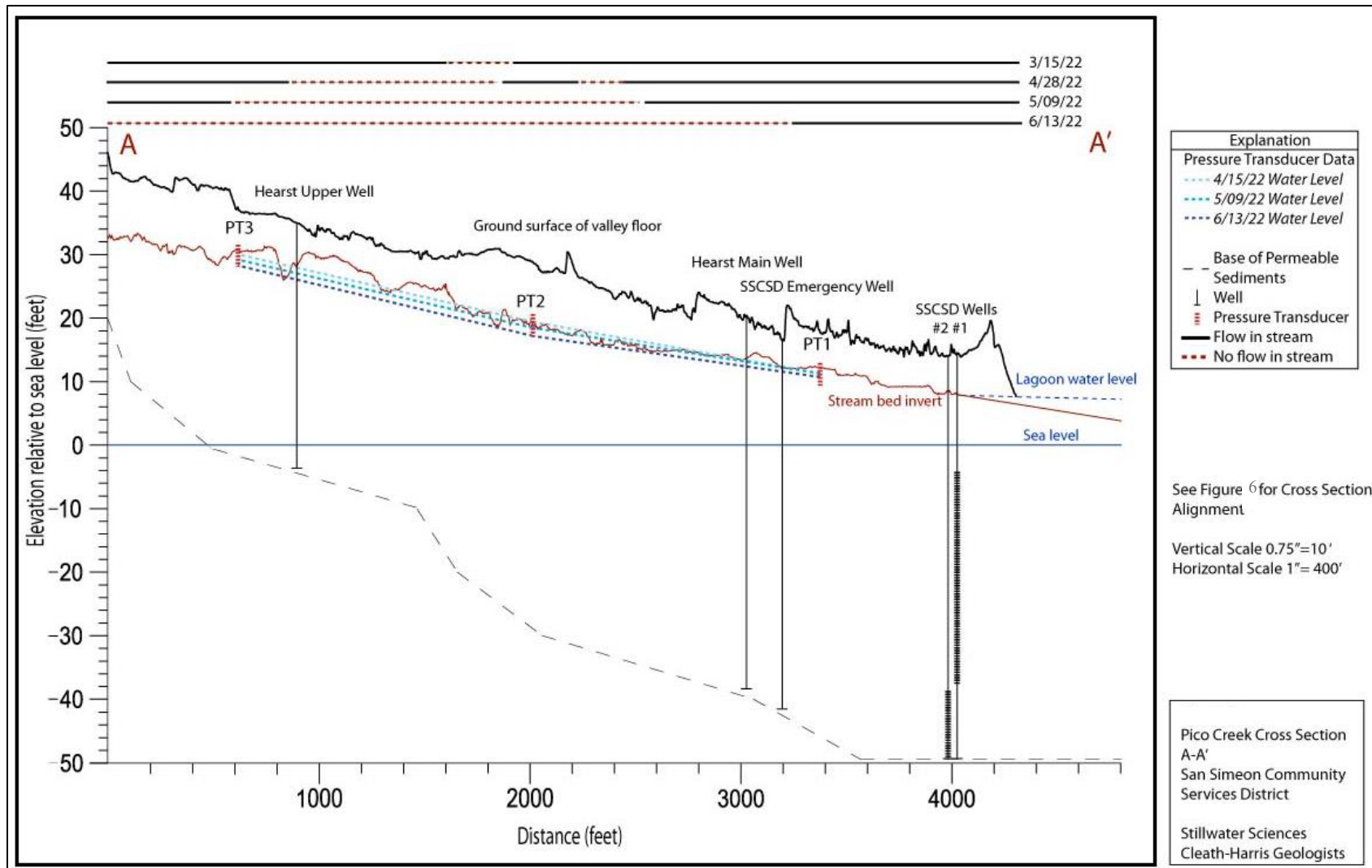


Figure 25. Pico Creek longitudinal elevation profile showing extent of intermittent stream flows in relation to groundwater wells along the Study Reach.

4.5 Surface Water/Groundwater Connectivity

Pump tests were conducted on April 16, 2022 at Well #1 which pumps from depths of 15–47 ft and on April 23, 2022 at Well #2 which pumps from depths of 50–60 ft. The volume of water pumped from the shallow well (Well #1) was 90,284 gallons and occurred over an 8-hour period (equivalent to a rate of 0.42 cfs). The volume of water pumped from the deep well (Well #2) was 108,834 gallons and occurred over a 9-hour period (equivalent to a rate of 0.45 cfs).

Stream flow during the pump tests at the upstream monitoring point was about half the rate at the downstream monitoring point. Stream flow measurements fluctuated during the tests up to roughly 0.20 cfs during testing at Well #1 and by roughly 0.05 cfs during testing at Well #2. However, the overall trend when the shallow well (Well #1) was pumped shows stream flows decrease by approximately 0.1 cfs at the upstream monitoring point while stream flow at the downstream monitoring point increased by approximately 0.1 cfs (Figure 26). The increase in flow observed downstream of the wells may be due to bank storage-drainage from the shallow aquifer into the stream channel. Stream flow at the upstream monitoring point of the deep well (Well #2) shows a decrease in stream flow of approximately 0.04 cfs, and no detectable trend in stream flow was observed at the downstream monitoring point (Figure 27). The sensor depth at PT1 for both tests declined by approximately 0.05 ft during pumping and then recovered after pumping ceased (Figure 26 and Figure 27). However, the fluctuation in sensor depth observed at PT1 during the pump tests were similar to the daily fluctuations observed during days when District well production was more than half the amount during the pump tests (Figure 28, see daily fluctuations for PT1 on 4/07/2022 and 4/25/2022 when daily well production was around 30,000 gallons).

Based on the daily fluctuations in sensor depths at all three PT sensors monitoring points, the drop in stage level observed at PT1 during the pump tests is likely in part due to evapotranspiration of phreatophyte/riparian vegetation that increases during the daylight hours and decreases as daily light fades. Steep declines in sensor depths observed at PT2 and PT3 began to occur in mid-April, which coincides with the timing when disconnected surface flow was increasing. A sharp increase in sensor depth occurred at PT2 on April 24, 2022 and at PT3 on April 23, 2022 (Figure 28), which are shortly after a 0.4 inch rain event occurred on April 21, 2022 that likely reconnected surface flow and refilled pool habitat (Figure 10). Overall, it appears that groundwater is connected to surface flows in the Study Reach, such that District pumping operations result in a small but detectable reduction in surface flow.

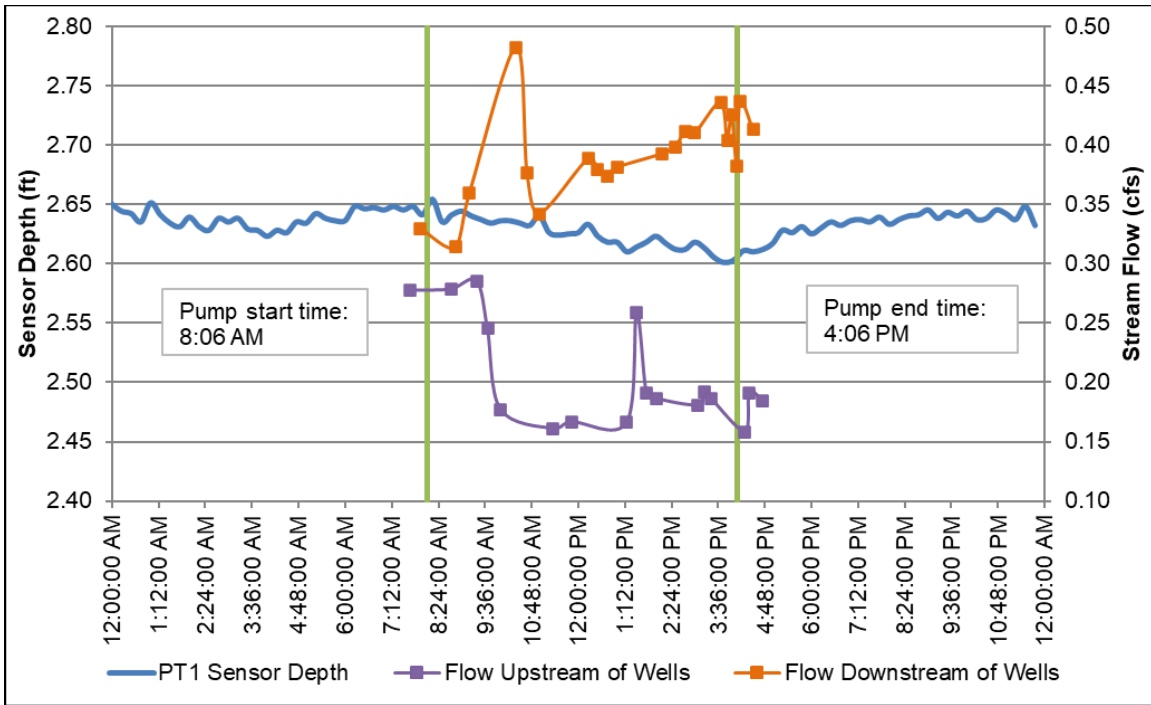


Figure 26. Pico Creek stream flow and PT1 sensor depths during April 16, 2022 pump test at District Well #1. Pumping volume on April 16, 2022 was 90,284 gallons, which is equivalent to a rate of 0.42 cfs.

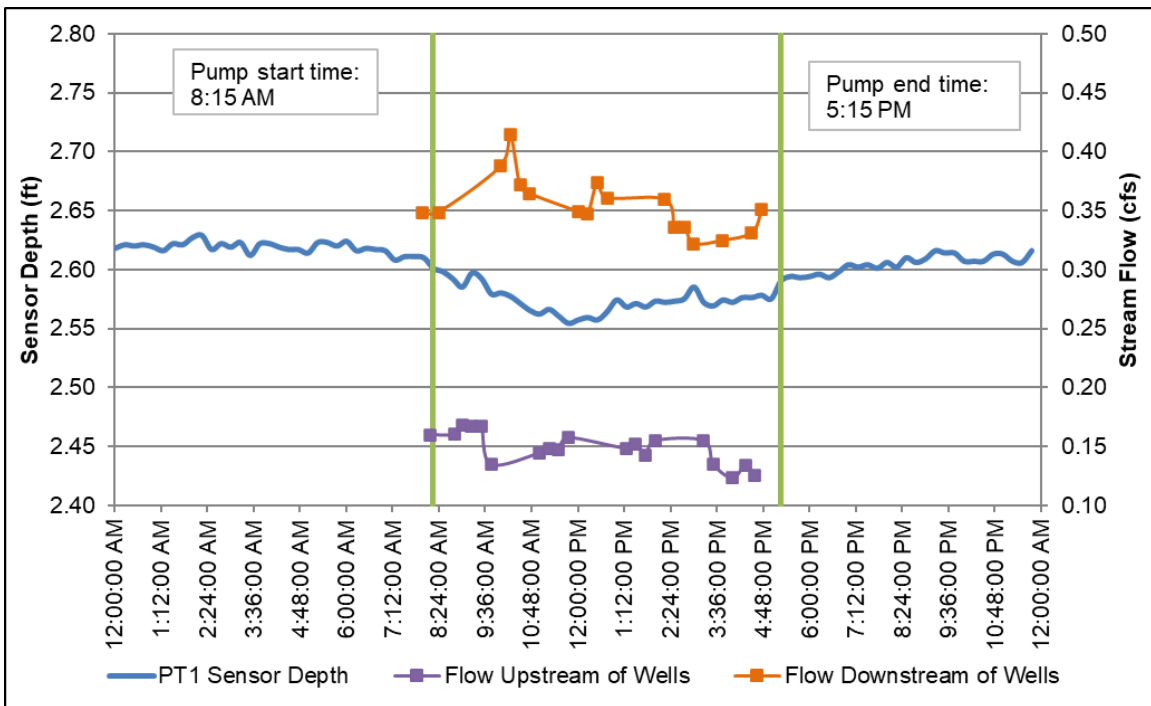


Figure 27. Pico Creek stream flow and PT1 sensor depths during April 23, 2022 pump test at District Well #2. Pumping volume on April 23, 2022 was 108,834 gallons, which is equivalent to a rate of 0.45 cfs.

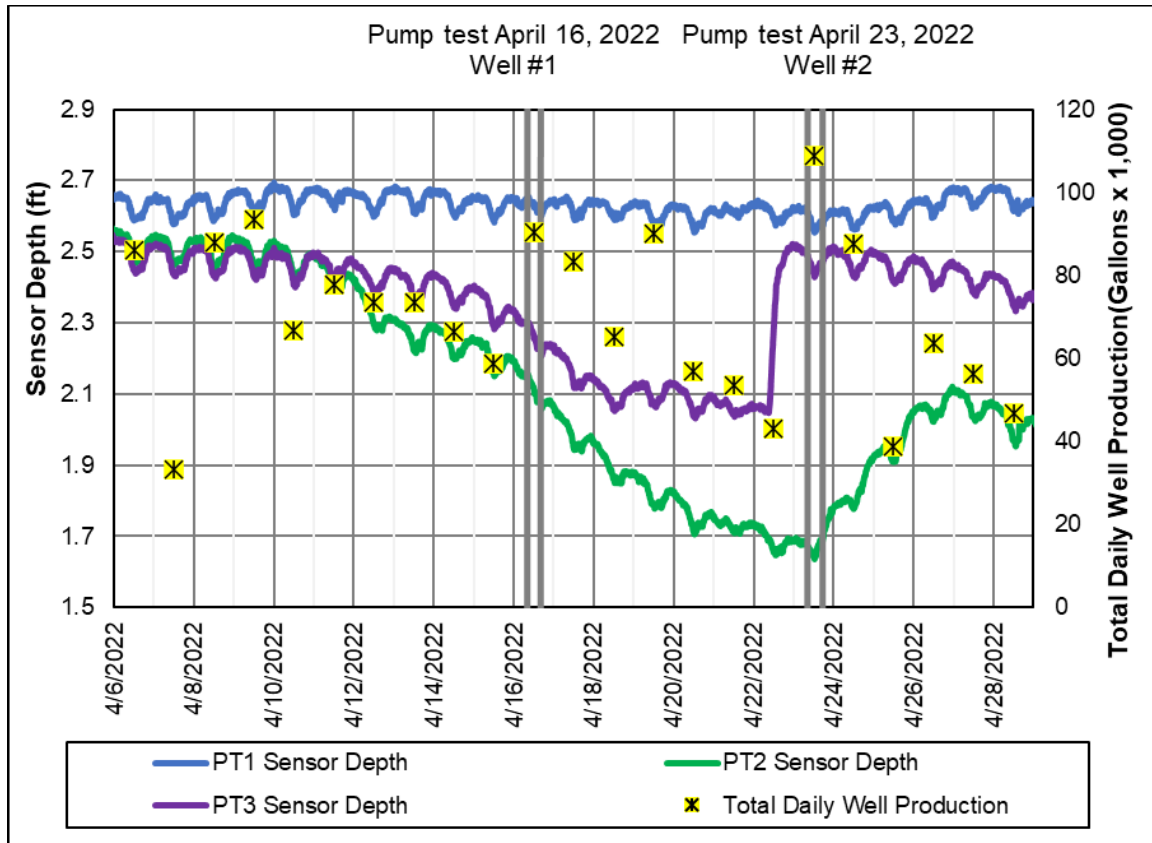


Figure 28. Pico Creek pressure transducer depths and daily well production during April 2022.

4.5.1 Lagoon habitat

The wetted area of the lagoon remained relatively stable throughout the study. The upstream end of the lagoon begins at the end of a gravel bar with the channel quickly dropping in elevation as it enters the lagoon (Figure 29).

Water levels recorded in the lagoon showed minor fluctuations (<0.05 ft) on a regular basis each day. These daily fluctuations appear to be correlated with ocean tide heights, as increased sensor depths were generally recorded at high tides while reduced depths were generally recorded at low tides (Figure 29 and Figure 30). Lagoon depths showed a temporal pattern with increased depths in the morning and decreased depths in the afternoon, which suggests evapotranspiration influences lagoon water levels as well.

The magnitude and timing of daily fluctuations in the lagoon water levels appeared similar during the pump tests compared to days when pumping was reduced. The fluctuation observed in lagoon water levels appears to be the result of tidal activity and evapotranspiration. No impact to the lagoon due to pumping was evident during the test.



Figure 29. Upstream end of Pico Lagoon on March 30 (A), April 15 (B), April 28 (C), and July 12, 2022 (D).

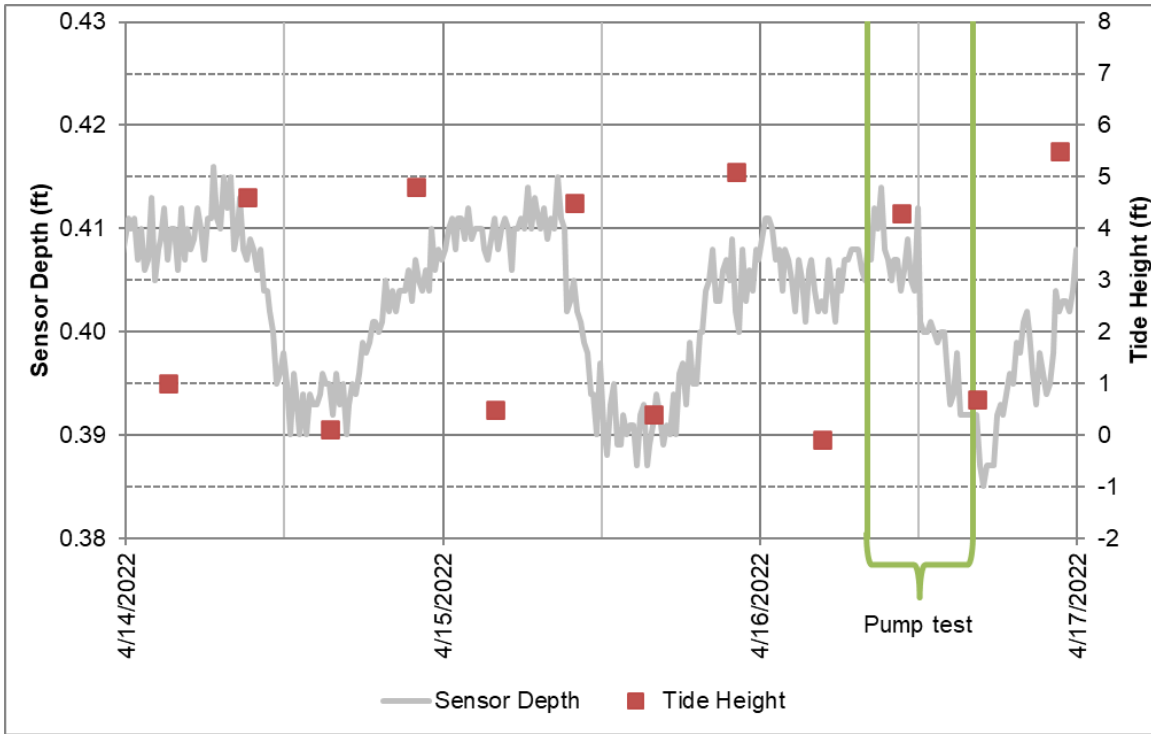


Figure 30. Pico Creek Lagoon sensor depths during April 16, 2022 pump test at District Well #1.

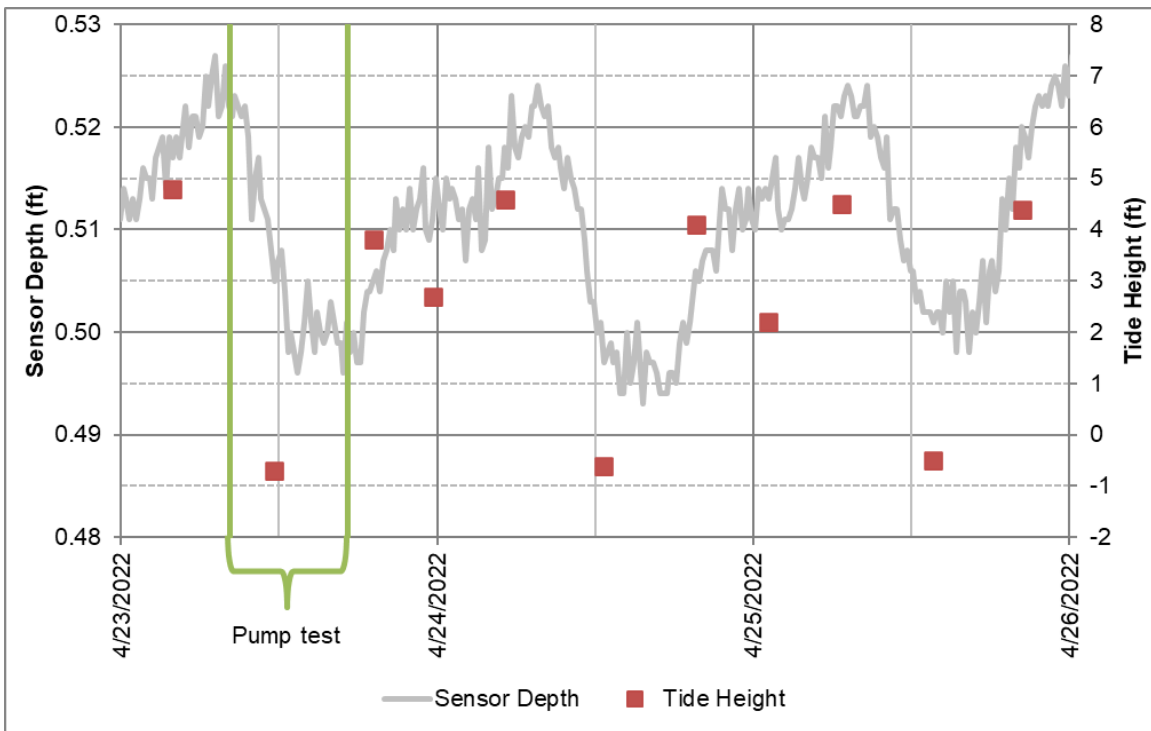


Figure 31. Pico Creek Lagoon sensor depths during April 23, 2022 pump test at District Well #2.

5 CONCLUSIONS

Pico Creek follows the northern side of the groundwater basin over much of the Study Reach. The basin sediments are highly permeable and allow for percolation of stream flow when it occurs, particularly upstream of the Pico Creek Road Bridge. As the inflow from the watershed declines, the groundwater level also declines and typically by early summer the water in the stream bed dries up. The stream channel, near where the District wells are located, has a longer duration of water presence than this upstream recharge area, but still dries by mid-summer. The lagoon at the mouth of Pico Creek has water year-round.

District pumping operations were observed to influence surface flows in Pico Creek around the section near the District pumps (i.e., downstream of the Pico Creek Road Bridge). Of the two main District wells, Well #1, which pumps water from shallower in the groundwater basin layer, has the most influence on surface flows and Well #2, which pumps from the deeper groundwater basin layer, has the least influence on surface flows. Additional monitoring in the lagoon would be needed to evaluate if any changes in lagoon water depth are occurring due to pumping versus other natural factors, such as tidal influence or evapotranspiration. However, the level of lagoon water depth fluctuation observed during this study appeared to be minimal (<0.05 ft).

In the absence of District pumping operations, the lower reach of Pico Creek within the Study Area potentially provides migratory and rearing habitat for steelhead in the winter and spring when surface flows occur. Migration conditions for steelhead within the Study Area are expected to be supported under current District pumping operations. Adult steelhead passage, which requires high flows associated with large precipitation events, is not likely to be influenced by the District's maximum daily average pumping rate of 0.27 cfs. Juvenile steelhead passage conditions assessed in riffle habitat during this study indicate passage for juvenile steelhead occurs at flows of approximately 4 cfs and greater, which is also not likely to be influenced by District pumping operations due to the limited capacity of the District wells and the maximum daily average pumping rate of 0.27 cfs.

This study did not directly assess the relationship between the amount of steelhead habitat and magnitude of surface flows, and instead focused on patterns of District Operations and steelhead life history. Observations of BMI habitat and juvenile migration conditions in riffles and juvenile steelhead rearing habitat conditions in pools were made during distinct flow events. At low stream flows, habitat in lower Pico Creek is sensitive to changes in surface flows, particularly when flows are at or below 1.5 cfs. Results of the surface water monitoring and riffle habitat assessments found habitat for juvenile steelhead is abundant at stream flows of 1.52 cfs based on abundant suitable BMI habitat and juvenile migration conditions in riffles habitat and abundant pool habitat greater than 1.5 ft deep which supports juvenile steelhead rearing. When stream flows were at 0.86 cfs or less, habitat was disconnected with limited passage in riffles for juvenile steelhead, and at 0.35 cfs BMI habitat was substantially reduced. A small reduction in flow when stream flow is less than 1.52 cfs, even by a small amount (e.g., 0.1 cfs) would reduce the quantity and quality of juvenile steelhead habitat in lower Pico Creek by reducing food availability from BMI, migration conditions, and pool depth.

Pools in the Study Area provide suitable water depth and temperature for rearing juvenile steelhead when surface occurs. Once surface flows cease, pools quickly dry up and become unsuitable for juvenile steelhead. During this study, conditions in pool habitat appeared suitable for steelhead rearing until around July, at which time surface flows ceased and nearly all wetted habitat in the Study Reach went dry. Since pool habitat remains suitable after surface flows cease

temporarily, District pumping operations increases the risk of steelhead stranding and desiccation in isolated pool habitat that remains wetted after surface flows cease.

In summary, based on pumping capacity, District pumping operations have the potential to reduce the amount and quality of juvenile steelhead rearing habitat within Study Area at flows of around 1.5 cfs or less. District pumping operations will not influence aquatic habitat in Pico Creek after the channel has gone dry.

In addition to steelhead, the Study Area provides abundant suitable breeding habitat for CRLF with many pool locations observed with habitat conditions that remained suitable through the CRLF breeding season. In isolated pools that remain wet after surface flows cease, District pumping operations are likely to increase the rate at which pool habitat dries out, leading to egg desiccation or tadpole stranding. Suitable habitat for CRLF breeding is located within the Pico Creek lagoon and excavated ponds near the lagoon just upstream of the Highway 1 Bridge.

Key conclusions of this study are listed below:

- District pumping operations appear to influence surface flows in lower Pico Creek
- District pumping operations are not expected to influence adult steelhead migration in San Simeon Creek due to the magnitude of flow required to support adult steelhead passage.
- District pumping operations are not expected to influence juvenile steelhead migration in San Simeon Creek due to the magnitude of flow required to support juvenile steelhead passage.
- At low stream flows, habitat in lower Pico Creek is sensitive to changes in surface flows, particularly when flows are at or below 1.5 cfs and stream flow reductions when flows are in this range lead to reduced habitat quantity and habitat quality for juvenile steelhead
- District pumping operations that occur after surface flows cease may affect juvenile steelhead and CRLF rearing in isolated pools by decreasing pool water levels or speeding up the process by which pools dry out increasing the risk of stranding for juvenile steelhead and CRLF tadpoles.
- District pumping operations are not expected to impact aquatic habitat once the channel within the Study Area goes dry, which happens for extended periods of most years during summer and fall.
- District pumping operations do not appear to be affecting or reducing habitat conditions within the lagoon.
- District pumping operations do not appear to be affecting or reducing habitat conditions for tidewater goby.

6 LONG-TERM MONITORING

The following long-term monitoring efforts are suggested to ensure District pumping operations are minimizing impacts to sensitive aquatic species in Pico Creek:

- Monitor stream flow in Pico Creek near the District wells to develop a long-term record of stream flows in the watershed in relation to District pumping operations.
- Monitor isolated pool habitat within the Study Area to assess the risk of juvenile steelhead stranding in relation to District pumping operations.

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Business Action Item

- B. DISCUSSION, REVIEW AND APPROVAL TO RE-PAVE APPROXIMATELY 75' X 25' AND RE-CURB 75' OF THE SSCSD OWNED PORTION OF SAN SIMEON AVENUE NOT TO EXCEED \$25,000.**



BUSINESS ACTION ITEM STAFF REPORT

ITEM 6.B. DISCUSSION, REVIEW AND APPROVAL TO RE-PAVE APPROXIMATELY 75' X 25' AND RE-CURB 75' OF THE SSCSD OWNED PORTION OF SAN SIMEON AVENUE NOT TO EXCEED \$25,000.

Summary

San Simeon Avenue is maintained by the Cavalier Corporation except for a small portion on the north west corner that abuts Hearst Drive. In coordination with the Cavalier Corporation and in effort to improve the condition of San Simeon Avenue, the attached quote was obtained by the contractor providing San Simeon Avenue road and curb repair work for the Cavalier Corporation. Repairing the San Simeon CSD portion of the road and curb at the same time the Cavalier Corporation performs the road and curb work, that is within their responsibility, will help to ensure a quality and long lasting end product.

Suggestion

Suggest Board approval and direction to GES staff to coordinate the repair work with Cavalier Corporation.

Enc: Estimate for work



PROPOSAL

Date: September 30
San Simeon Ave.

17 1/2 X 35

Job:

Cavalier Oceanfront Resort
9415 Hearst Drive
San Simeon, CA 93452
Attn: Mr. Michael R. Hanchett

Email: mrh@cavetal.com

\$5,76 A'
17.28 FT.



San Simeon Avenue, existing asphalt 17,200 square feet:

Jackhammer out water valve boxes (2) & sewer manhole (1), to a 1' depth, covering with a steel plate. Grind/pulverize in place existing asphalt road & berms. Rip, water, grade, condition & compact materials to establish proper drainage as discussed. Install & compact an additional 250 tons* of class 2 base where needed, set grades for asphalt. Apply an oil tack coat where needed.

Pave road at 3" inches asphalt thickness compacted. Locate water valves & sewer manhole, jackhammer out asphalt as needed, export spoils to re-cycle plant. Set (2) new G5 valve boxes & (1) sewer manhole to new grades with concrete collars per County standards. Lay out & paint new STOP legend & limit line with reflective beads.

\$99,140.00

Install approx 353' lineal feet of asphalt machine berm type "A" dyke along grass edges as before.

\$6,100.00

All water needed to be supplied onsite from hydrant by owners.

*If less base is used, a credit will be allowed.

Due to the volatile petroleum market, (asphalt) material and delivery prices are subject to change at any time. **NO PRICES ARE PROTECTED.** Updated prices will be given at start of job.

For the sum of \$ See above

Exclusions to this bid are as follows: permits; engineering; survey & grade staking; any testing; unsuitable sub-soils conditions including ground water, structures, utility lines or any field changes required by an agency owner, engineer, or authorized agent; hazardous materials; hydroseeding, erosion control or "acts of God". Not responsible for standing water on grades less than 2% slope.

Any additional work requested: prices to be agreed upon prior to commencement of work.

Respectfully submitted by

Stephen M. Bayus

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment is due and payable upon completion of the above described work.

A finance charge of 1 1/2% per month (18% annual percentage rate) will be charged on all invoices over 30 days past due.

Accepted by

Date of acceptance

10/1/22



PROPOSAL

Date: **October 19, 2018**
San Simeon Ave.

Job:

Cavalier Oceanfront Resort
 9415 Hearst Drive
 San Simeon, CA 93452
 Attn: Mr. Michael R. Hanchett

Email: mrh@cavetal.com

San Simeon Avenue, existing asphalt 17,200 square feet:
 Jackhammer out water valve boxes (2) & sewer manhole (1), to a 1' depth, covering with a steel plate.
 Grind/pulverize in place existing asphalt road & berms. Rip, water, grade, condition & compact materials to establish proper drainage as discussed. Install & compact an additional 250 tons of class 2 base where needed, set grades for asphalt. Apply an oil tack coat where needed.
 Pave road at 3" inches asphalt thickness compacted. Locate water valves & sewer manhole, jackhammer out asphalt as needed, export spoils to re-cycle plant. Set (2) new G5 valve boxes & (1) sewer manhole to new grades with concrete collars per County standards. Lay out & paint new STOP legend & limit line with reflective beads. \$67,820.00
 Install approx 353' lineal feet of asphalt machine berm type "A" dyke along grass edges as before. \$4/89 ft
\$4,600.00

All water needed to be supplied onsite from hydrant by owners.

Due to the volatile petroleum market, (asphalt)material and delivery prices are subject to change at any time. **NO PRICES ARE PROTECTED.** Updated prices will be given at start of job.

For the sum of \$ **See above**

Exclusions to this bid are as follows: permits; engineering; survey & grade staking; any testing; unsuitable sub-soils conditions including ground water, structures, utility lines or any field changes required by an agency owner, engineer, or authorized agent; hazardous materials; hydroseeding, erosion control or "acts of God".
 Not responsible for standing water on grades less than 2% slope.

Any additional work requested: prices to be agreed upon prior to commencement of work.

Respectfully submitted by

Stephen M. Bayus

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment is due and payable upon completion of the above described work.

A finance charge of 1 1/2% per month (18% annual percentage rate) will be charged on all invoices over 30 days past due.

Accepted by _____

Date of acceptance _____

EXHIBIT C



SCALE 1"=100'

REFERENCES:
6 RS 49

2255 OR 676

CLIFF DRIVE

6 RS 49

SANDS PROPERTY

1440 OR 350

HEARST DRIVE

U.S. HIGHWAY 1

60.00

EXCLUDED PORTION

T.P.O.B.

-SSCSO

A

SAN SIMEON AVE.

VACATION

1683 OR 72



EDA

**ENGINEERING
DEVELOPMENT
ASSOCIATES**

ENGINEERING LAND SURVEYING PROJECT ADMINISTRATION

1320 NIPOMO STREET SAN LUIS OBISPO CALIFORNIA 93401
November 8, 2022 Board Packet

SAN SIMEON AVENUE
PUBLIC ROAD - ROAD VACATION
FEBRUARY 7, 1994

JOB NO. 20-1185.36

FILE: \SIM12.DWG
Page 128 of 184

Rev. 2-16-94

$$75' \times 25' = 1875 \text{ sq ft} \times \overset{5.76}{\cancel{17.29}} \quad \cancel{32,400} \text{ } \$10,800$$

$$75' \text{ curb} \times 17.29 / \text{ft} = \$1,296$$

= 12,096

Not Prevailing wage

Business Action Item

- C. DISCUSSION, REVIEW AND APPROVAL FOR CHAIRPERSON KELLAS TO RESPOND TO MOUCHAWAR LETTER REGARDING THEIR POSITION AND EDUs ON THE SSCSD WAITLIST.**



BUSINESS ACTION ITEM STAFF REPORT

ITEM 6.C. DISCUSSION, REVIEW AND APPROVAL FOR CHAIRPERSON KELLAS TO RESPOND TO MOUCHAWAR LETTER REGARDING THEIR POSITION AND EDUs ON THE SSCSD WAITLIST

On or about October 24, 2022 the SSCSD Office received a letter from Marie Louise Paquet', trustee for the Camille Mouchawar Trust, in response to the letter that SSCSD mailed to vacant property owners and waitlist list participants, notifying of the SSCSD intent to lift, in whole or in part, the long-standing water moratorium. The SSCSD letter mailed to vacant property was also sent to determine if the participant on the SSCSD waitlist still wished to remain on the waitlist. Marie Louise Paquet' describes in the October 24, 2022 letter that 1, they wish to participate 2, the trust was relegated to a lower position 3, previous waitlist shows the Trust water demand to be 35 hotel rooms, 1 apartment and a 2000 square foot restaurant while current waitlist has water demand for only 35 hotel rooms.

This business action item is brought before the board to request approval for Chairperson Kellas, on behalf of SSCSD, to draft a response to Marie Louise Paquet'.

In the SSCSD response to the October 24, 2022 letter from Marie Louise Paquet it should be noted that in 1994 the SSCSD was duly informed that the restaurant was no longer part of the project (see attached letter from the office of Mel McColloch). Also in the SSCSD response a request to identify and remedy potential road and viewing platform bluff gabion encroachments should be made.

Enc: July 29, 2022 vacant property / waitlist letter notice
October 24, 2022 Camille Trust letter to SSCSD
1994 Mel McColloch letter to SSCSD
Historical waitlist and current draft waitlist
Plan map of Pico Road in area of potential encroachments

San Simeon Community Services District



111 Pico Avenue, San Simeon, California 93452
(805) 927-4778 Fax (805) 927-0399

July 29, 2022

To whom it may concern:

You are receiving this letter as records indicate that you are a participant on the water "Wait List" maintained by San Simeon Community Services District.

The San Simeon Community Services District (SSCSD) is currently in the process of efforts toward modifying the long-standing water moratorium.

Given that the wait list has been in existence for many years and circumstances regarding participation on the wait list may have changed, the SSCSD is attempting to contact you to determine if you would like to remain on the wait list and possibly receive a will serve letter in the near future.

Please contact the SSCSD office at your earliest convenience to assist the SSCSD with updating the wait list and participation in the water moratorium modification process. SSCSD contact information is:

Office Phone: 805-927-4778

Email: Admin@sansimeoncsd.com

Mailing Address: 111 Pico Avenue, San Simeon CA, 93452

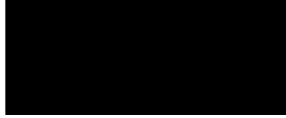
SSCSD Board Meeting: Held via Zoom every second Tuesday of the month at 5:00pm PST
<https://us02web.zoom.us/j/87307810050> or One tap mobile: US: +16699009128, 87307810050#

Sincerely,

A handwritten signature in black ink, appearing to read "G Kellas". The signature is written in a cursive, flowing style.

Gwen Kellas
San Simeon CSD
Chairperson

Camille Mouchawar Trust



October 24, 2022

Gwen Kellas ,Chairperson
San Simeon CSD
111 Pico Avenue
San Simeon, CA 93452

Re: Wait list and Water Moratorium Modification, Will Serve Letter
Property: San Simeon APN 013-391-001

Dear Mrs. Kellas:

On October 18, 2022 , we received from your office a Certified Return Request envelope containing a letter dated July 29, 2022 addressed To whom it may concern:

Concerns indeed:

First, we would like to inform you that after being on the San Simeon District waiting list since 1979 we have every intention to actively participate and are looking forward to receive a Will Serve letter. We trust that the three months delay of your letter will not impede the process. Letter attached.

Second, for unexplained reasons and without Notice , the Camille Mouchawar Trust has been relegated to a lower position on the waiting list in spite of having joined the list in 1979 and paid the fees after having foreclosed on 105 Units from W. Dalton.

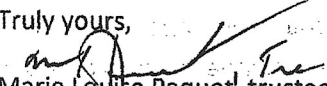
Third, not only was there a demotion by San Simeon District but a decrease in water demand. While visiting San Simeon District web site , we noted on Akel Report Table 3. Water Wait List Camille Mouchawar Trust as proposed future development 35 Motel. This is contrary to the initial water waiting list : 35 motel , 1 apartment and 2,000 square feet restaurant.

We are hereby requesting correction to reflect: 35 motel , 1 apartment and 2,000 square feet restaurant and accurate adjustment of the water demand AFY.

We are further requesting that proof of correction be provided to us within 15 days of this letter and no delay in the issuance of a Will Serve letter.

Time is of the essence since your office has already issued Will Serve letters.

Truly yours,


Marie Louise Paquet, trustee
Camille Mouchawar Trust

Enclosure

RECEIVED JAN 21 1994

MEL MCCOLLOCH
P. O. BOX 454
CAMBERIA, CA 93428
(805) 927-5993

January 21, 1994

Mr. John Wallace
John L. Wallace and Associates
Manager
San Simeon Acres Community Services District
4115 Broad Street, Suite B-5
San Luis Obispo, CA 93401-7963

Re: Mouchawar Property - San Simeon

Dear John,

On June 1, 1979, Dr. Mouchawar deposited \$30,445 with the San Simeon Acres Community Services District (District) for a position on the District's water and sewer waiting list. The deposit was calculated by the District based on Dr. Mouchawar's plans at that time to build a sixty-nine (69) unit motel, one (1) manager's apartment, and a two thousand (2,000) square foot restaurant. As I understand the District's ordinance, Dr. Mouchawar has not received interest on his deposit, which is in a reserve account under the District's name, and the District receives the interest. I didn't realize this was legal; however, this is not the question at this time.

Dr. Mouchawar has waited patiently for over fourteen (14) years for the District to serve him water for a project on his property. Dr. Mouchawar now wants plan to proceed with the development of his parcel with thirty-four (34) units and a manager's apartment on his property. The restaurant has been deleted from his plans. The plans are to provide water for the development with an on-site desal plant.

If the District will not be able to provide water to the development in the immediate future, I am requesting by this letter that the District allow Dr. Mouchawar to provide his own water, at his cost, for his project. I am also requesting the District allow him to use the District's sewer system for sewage from the development. We feel we may have the right to use the District's sewer system if Dr. Mouchawar is willing to pay the fees applicable to the District and there is capacity in the system.

I would like written clarification on the status and timing of any long-term water project that will allow the District to supply water to Dr. Mouchawar, for the development of his property in San Simeon. We would also like to know the District's position in allowing us to use the District's

Mr. John Wallace
January 21, 1994

sewer system, at the regular charges, so we can proceed with our project and our own water system for the motel.

Thank you very much for your time and efforts, and I appreciate your taking time to meet with me.

Sincerely,

Mel McColloch
Mel McColloch

MMc:gg

cc: Dr. Mouchawar

Consent of Landowner

I/we the undersigned owner(s) of record of the fee interest land located at (street address) Legal Description attached, in _____, California, Assessor's Parcel Number 013, 391, 001, appoint Mel McColloch to act as my/our authorized agent in all contacts with the San Simeon Acres Community Services District (SSACSD), the County of San Luis Obispo (SLO), and State of California (State) relating to matters pertaining to the planning and development of the above property.

I/we also grant the SSACSD, SLO or State, or any of their authorized agents, the right to enter upon the property described above at any time during normal business hours for purposes associated with inspections necessary during the development of the property, including compliance with any conditions of approval.

Camille Muckover
Signature of owner(s)

12/16/93
Date

August 17, 1989

HOOK-UP DEPOSIT AND WAITING LIST

NAME	DEPOSITS * PAID	DATE	CURRENT	DESCRIPTION	DUE **
DALTON	\$48,500.	1/25/72	\$163,800.	105 MOTEL	\$115,300.
EVANS	425.	11/16/75	3,800.	4 RETAIL	3,375
MOUHAWAR	original revised	30,445.	6/1/79		
			54,600.	35 MOTEL	51,135.
			2,280.	1 APARTMENT	
			24,700.	2000 sq ft RESTAURANT	
LONG	1,200.	10/29/85	2,280.	1 RESIDENCE	1,080.
HURLBERT	22,800.	3/15/89	22,800.	10 CONDOS	
SANSONE	92,340.	8/2/89	91,200. 1,140.	40 CONDOS 1 IRRIGATION 1 dwelling hook-up now in use	
TOTALS	\$195,710. =====		\$366,600. =====		\$170,890. =====

* DEPOSIT PAID - Indicates total fees paid based on the Fee Schedule in place at time of payment.

** DUE - Indicates amount due to make up difference between old fee schedule and current Fee Schedule (7/89)

EXHIBIT "A"
HOOK UP WAITING LIST

2014 (256)

Priority	Name	Deposits		Description
		Paid	Date	
1	Cavalier Inn Inc. APN#	\$0.00	01/25/1972	145 Motel 2400 sq ft restaurant
2	Evans APN# 013-071-018	\$425	11/16/1975	Retail
3	Mouchawar APN# 013-391-001	\$30,445	06/01/1979	35 Motel 1 Apartment 2000 sq ft Restaurant
4	V& H Holdings APN# 013-031-022	\$1,200	11/21/2013	1 Residence
5	Hurlbert for The Tides of San Simeon APN# 013-402-012	\$2,280	09/06/1990	6 Condos 1 Irrigation
6	Ramirez APN# 013-402-013	\$2,280	03/09/2001	6 Condos
7	Tyo APN# 013-402-006	\$6,840	12/11/2013	3 Residences
8	Hather and/or Hulbert APN# 013-071-009	\$2,280	10/8/2014	10 Residences

1 Cavalier Inn Inc. acquired the rights and obligations of Dalton through bankruptcy proceedings in July 1989.

2 The deposit of Dalton was forfeited when he failed to comply with the Terms of Agreement with the District.

3 The Date of the agreement between the District and Dalton.

4 Per agreement, remaining balance of project after Mouchawar foreclosure on 105 units.

5 V&H Holdings purchased property and wait list position #4 From Raymond Long.

6 John & Ann Tyo Purchased property and wait list position #7 from Eva Redwood-Chavez
November 8, 2022 Board Packet

EXHIBIT "A"
 RESOLUTION 20-426
HOOK UP WAITING LIST

2020 (CRG)

Position Number	APN Number	Name	Deposit Amount	Date Added	EDU's
1		Cavalier Inn Inc. ¹	² 0.00	³ 1/25/1972	⁴ 145 Motel & 2400 sq ft restaurant
2	013-071-018	Evans	\$425.00	11/16/1975	Retail
3	013-391-001	Mouchawar	\$30,445.00	6/1/1978	35 Motel
4	013-031-022	V & H Holdings ⁵	\$1,200.00	11/21/2013	1 Residence
5	013-402-012	Hurlbert for Tides of San Simeon	\$2,280.00	9/6/1990	6 Condos + 1 irrigation meter
6	013-402-013	Seifert ⁷	\$2,280.00	3/9/2001	6 Condos
7	013-402-006	Tyo ⁶	\$6,840.00	12/11/2013	3 Residences
8	013-071-009	Hather /or Hulberts ⁹	\$3420.00	10/8/2014	15 Residences (added 5 edu's)
9	013-091-030	Sansone, Inc. ⁸	\$6498.00	7/11/2018	30.5 (28 Multi-Family Edu's + .5 Irrigation)
10	013-091-032, 013-071-023/024/025	Sansone, Inc.	\$14706.00	7/11/2018	64.5 (64 Multi-Family EDU's + .5 Irrigation)
11	013-031-049	Sansone, Inc.	\$2796.00	7/11/2018	10.5 (10 Multi-Family EDU's + .5 Irrigation)

¹ Cavalier Inn Inc. acquired the rights and obligations of Dalton through bankruptcy proceedings in July 1989.

² The deposit of Dalton was forfeited when he failed to comply with the Terms of Agreement with the District.

³ The Date of the agreement between the District and Dalton.

⁴ Per agreement, remaining balance of project after Mouchawar foreclosure on 105 units.

⁵ V&H Holdings purchased property and wait list position #4 From Raymond Long.

⁶ John & Ann Tyo Purchased property and wait list position #7 from Eva Redwood-Chavez

⁷ Seifert purchased the property from Ramirez in 2004.

⁸ Sansone, Inc submitted one payment in the amount of \$24,000.00 for positions 9,10 & 11

⁹ Hather added 5 edus w/ a deposit in the amount of \$1140 on 11/2019

¹⁰ Sansone added 2 EDU's with a deposit in the amount of \$54.00 on 9/9/2020

Table 3 Water Wait List
 System-Wide Water Supply Assessment
 San Simeon Community Services District

3/21/22 (CSG)

Position Number	Name	Proposed Future Developments	Estimated Water Demand (AFY)
1	Cavalier Inn Inc. ¹	145 Motel & 2400 sq ft. restaurant	11.81
2	Evans ¹	Retail	0.38
3	Mouchawar ¹	35 Motel	2.58
4	V& H Holdings ¹	1 Residence	0.10
5	Hurlbert for Tides of San Simeon ¹	6 Condos + 1 irrigation meter	0.65
6	Seifert ¹	6 Condos	0.61
7	Tyo ¹	3 Residences	0.30
8	Hather and/or Hulbert ¹	10 Residences	1.01
9	Sansone, Inc. ¹	30.5 (30 Multi-Family Edu's + .5 Irrigation)	3.07
10	Sansone, Inc. ¹	64.5 (64 Multi-Family EDU's + .5 Irrigation)	6.51
11	Sansone, Inc. ¹	10.5 (10 Multi-Family EDU's + .5 Irrigation)	1.05
12	Hather ²	5 Residences	0.51
13	Lloyd Marcum ³	26 (13 residential 13 mixed use)	6.30
14	V&H Holdings ³	25 residential units	2.53
		Total	37.41

AKEL
 ENGINEERING GROUP, INC.


3/8/2022

Notes:

1. Source: San Simeon Community Services District Resolution No. 20-426, 2020 Water Sewer Connection Waitlist, Exhibit "A".
2. Proposed Hather developments were split up per updated Water Wait List Reconciliation document dated 03/07/2022.
3. 2 developments has been added to the waitlist per updated Water Wait List Reconciliation document provided by District staff on 03/07/2022.

Table 3 Water Wait List

System-Wide Water Supply Assessment
San Simeon Community Services District

10/27/22 

PRELIMINARY

Position Number	Name	Proposed Future Developments	Estimated Water Demand (AFY)
1	Cavalier Inn Inc. ¹	145 Motel & 2400 sq-ft. restaurant	11.81
2	Evans ¹	Retail	0.38
3	Mouchawar ^{1,2}	35 Motel & 2,000 sq-ft. restaurant & 1 apartment unit	3.80
4	V& H Holdings ¹	1 Residence	0.10
5	Hurlbert for Tides of San Simeon ¹	6 Condos + 1 irrigation meter	0.65
6	Seifert ¹	6 Condos	0.61
7	Tyo ¹	3 Residences	0.30
8	Hather and/or Hulbert ¹	10 Residences	1.01
9	Sansone, Inc. ¹	30.5 (30 Multi-Family Edu's + .5 Irrigation)	3.07
10	Sansone, Inc. ¹	64.5 (64 Multi-Family EDU's + .5 Irrigation)	6.51
11	Sansone, Inc. ¹	10.5 (10 Multi-Family EDU's + .5 Irrigation)	1.05
12	Hather ³	5 Residences	0.51
13	Lloyd Marcum ⁴	26 (13 residential 13 mixed use)	6.30
14	V&H Holdings ⁴	25 residential units	2.53
		Total	38.63

AKEL
ENGINEERING GROUP, INC.

10/18/2022

Notes:

1. Source: San Simeon Community Services District Resolution No. 20-426, 2020 Water Sewer Connection Waitlist, Exhibit "A".
2. Source: San Simeon Hook-Up Deposit and Water Waiting List from August 1989 and February 2004.
3. Proposed Hather developments were split up per updated Water Wait List Reconciliation document dated 03/07/2022.
4. 2 developments has been added to the waitlist per updated Water Wait List Reconciliation document provided by District staff on 3/7/2022.

Business Action Item

- D. DISCUSSION, REVIEW AND APPROVAL OF GRACE ENVIRONMENTAL OPERATIONS & MANAGEMENT CONTRACT EXTENSION FOR OPERATIONS, MAINTENANCE AND GENERAL MANAGER SERVICES.**



BUSINESS ACTION ITEM STAFF REPORT

Item 6.C. Discussion, Review and Approval of Grace Environmental Operations & Management Contract Extension for Operations, Maintenance and General Manager Services.

To: San Simeon CSD Board of Directors
From: Natalie F. Laacke, District Legal Counsel
Subject: Professional Services Agreement with GES amendment/ extension

Background and Discussion:

In October 2016, the Board executed a Professional Services Agreement (“2016 Agreement”) with Grace Environmental Services (“GES”) for general management services and the operation of District facilities. The 2016 Agreement had a five-year term with a two-year automatic extension. The 2016 Agreement currently remains in effect until January 20, 2023, unless terminated, renewed, or otherwise modified by Board action. On September 21, 2021, the San Luis Obispo County District Attorney’s Office sent correspondence to the Board of Directors requesting (1) clarification as to the scope of duties provided by GES, and (2) explanation as to Mr. Grace’s role as manager of the District. In response to that inquiry, on or about October 12, 2021, the Board approved the Amendment and Restatement of Professional Services Agreement with GES. Minor corrections to that agreement were approved by the Board on January 13, 2022. The term of the Amendment and Restatement remained the same as the 2016 agreement with GES and still is set to terminate on January 20, 2023.

Given that the GES contract was set to terminate in January of 2023, at a special meeting held on September 6, 2022, the Board reviewed and approved an amendment of the GES contract, extending the term for one-year. The September 6, 2022 special meeting staff report on the GES contract extension (Item 2.c.) includes important details and a timeline of the efforts made to create and solicit proposals from contractors, and is incorporated here by this reference. Due to many complicating factors (as discussed in the above-referenced staff report), the District was not able to obtain proposals from qualified contractors to operate and manage the District. The District’s operations (including vital water and wastewater services) will cease unless there is an agreement with GES is in place to continue operations or an agreement is reached with another contractor.

On or about October 12, 2022, the District received a cure and correct demand from Julie Tacker. Her demand pointed out that pursuant to Government Code section 54656(b), salaries and compensation of local agency executives (i.e. a general manager) shall not be decided at a special meeting (such as the one held on September 6, 2022). And that therefore, the GES contract extension should be re-considered at a regular Board meeting.

To avoid an unnecessary dispute and/or litigation, the Board is now being asked to re-consider the GES contract extension. A draft contract amendment is included as Attachment A to this staff report.

As discussed in the September 6, 2022 staff report, **time is of the essence**. The current Professional Services Agreement with GES terminates on January 20, 2023. Pursuant to the current GES contract, GES provides (1) General Management Services; (2) Office Management; and (3) Facility Operations and Maintenance. Essentially, GES provides for the entire operation of the District and the District has no employees or outside management/operational assistance other than occasional consultants. Upon the expiration of the GES agreement, District operations will cease unless a new agreement is reached with GES or a new management and facility operation is in place and functioning. Given the fact that the District has not been able to create or solicit proposals for a new contractor, if GES does not continue the District operations, vital water and wastewater services are at risk of not continuing properly.

The District's procurement policy (Section 19.04.E.8.) makes the standard professional consultant selection procedures not applicable if "it is appropriate and in the best interest of the District under the specific circumstances of the project at issue to limit the number of consultants solicited. Examples of such specific circumstances may include the following: the need to take immediate action on a project precludes the District's ability the following these procedures...." Section 19.04.E.8. appears to apply now. In this specific circumstance, it is not possible given the amount of time before the GES contract expires to solicit proposals from contractors. Given the vital services needed for the health and safety of the public, the District must have a contractor in place to operate and manage these services.

Recommendations:

It is recommended that your Board consider and discuss the attached GES contract amendment and either (1) approve the attached document; or (2) provide direction to staff.

Enc: Draft GES contract amendment

**FIRST AMENDMENT TO THE AMENDMENT AND RESTATEMENT
OF PROFESSIONAL SERVICES AGREEMENT**

This FIRST AMENDMENT (“First Amendment”) to the Amendment and Restatement of Professional Services Agreement, dated October 12, 2021, and corrected on January 13, 2022 (“Amendment and Restatement”), is entered into as of the 8th day of November 2022, by and between San Simeon Community Services District (“SSCSD”) and Grace Environmental Services, LLC, a California limited liability corporation (“GES”) (collectively, “Parties”).

This First Amendment will modify Sections **IV.** and **X.** of the Amendment and Restatement to read:

IV. TERM OF AMENDMENT AND RESTATEMENT

This Amendment and Restatement shall remain in effect until January 31, 2024, subject to the right of either party to terminate as set forth in Section X. The term of the Amendment and Restatement may be extended for up to one-year, by a written agreement between the Parties.

X. TERMINATION OF AMENDMENT AND RESTATEMENT

- A. Notwithstanding any other provision of this Amendment and Restatement, SSCSD may terminate this Amendment and Restatement, at any time, with or without cause by giving at least three hundred sixty-five (365) days prior written notice to GES. In the event that Mr. Grace is unable or unwilling to perform his obligations as managing member of GES pursuant to this Amendment and Restatement, SSCSD may, at its sole discretion, terminate this Amendment and Restatement immediately.
- B. If either party fails to perform any term, covenant or condition in this Amendment and Restatement, and that failure continues for fifteen (15) calendar days after the non-defaulting party gives the defaulting party written notice of the failure to perform, this Amendment and Restatement may be terminated for cause.
- C. In the event of termination, SSCSD shall pay GES compensation pursuant to this Amendment and Restatement up to the date of termination (pro-rated for less than a full month, if necessary) and any unpaid expenses incurred by GES pursuant to this Amendment and Restatement.

Unless expressly modified by this First Amendment, all other provisions of the Amendment and Restatement shall remain unaltered and in full force and effect.

[INTENTIONALLY LEFT BLANK – SIGNATURES ON THE FOLLOWING PAGE]

SIGNATURE PAGE FOR THE FIRST AMENDMENT TO THE AMENDMENT AND RESTATEMENT OF PROFESSIONAL SERVICES AGREEMENT

FOR SSCSD

San Simeon Community Services District

Name

Signature

DATE: _____

Approved As To Form:

District Legal Counsel

FOR GES

Grace Environmental Services, LLC.

Name

Signature

DATE: _____

Business Action Item

- E. DISCUSSION, REVIEW AND APPROVAL OF INDEMNIFICATION FOR GRACE ENVIRONMENTAL, (GES) COSTS INCURRED AS A RESULT OF THE DISTRICT ATTORNEY INVESTIGATION RELATED TO THE SSCSD / GES CONTRACT.**



ATTORNEYS AT LAW

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Refer To File # 504017-0001

October 31, 2022

Mr. Joshua M. George
Adamski Moroski Madden Cumberland & Green LLP

Via email only jgeorge@ammcqlaw.com

Re: Indemnification for legal fees

Dear Mr. George:

On behalf of our clients Mr. Grace and Grace Environmental Services (“GES”), please see attached Nossaman’s redacted invoice entries to support his indemnification request for legal fees in the amount of \$166,086.78. The legal fees directly arise from actions taken pursuant to GES’s contract with the San Simeon Community Services District (“SSCSD”) or at the direction of the SSCSD’s Board of Directors, and therefore the Board must approve Mr. Grace’s request.

The invoices cover the period from December 2020 through June 2022. The total amount of legal fees that GES has incurred to date for defending both the Fair Political Practices Commission (FPPC) and San Luis Obispo County District Attorney investigations is \$233,787.50. SSCSD previously indemnified GES \$49,246.63 for legal fees in connection with FPPC Enforcement Matter 2020-00416 only, which is now closed. As noted in our letter of September 23, 2022, the current request reflects the amount of legal fees in connection with the District Attorney’s investigation and defending a number of separate frivolous FPPC complaints, all of which were ultimately rejected.

To avoid confusion, we also point out that many of the invoice entries from December, 2020 through November, 2021 were previously provided to SSCSD as a part of the request for indemnification incurred in the FPPC matter. While it may appear that some of the entries are redundant from that request, they are not. The amount of fees for each entry was apportioned according to the percent of time spent on the FPPC or DA investigation. This was necessary because at that stage, several of the issues overlapped between the two agencies. Any entry included here reflects only the balance of that time attributable to the DA’s investigation.

GES is not seeking indemnification on the Ninth Cause of Action in the civil complaint. Accordingly, Mr. Grace’s request for \$166,086.78 reflects his total legal fees incurred since the joint investigation commenced, minus the amount paid towards the FPPC matter, and minus a 10% reduction to reflect the Cause of Action for which indemnification is not requested.

In our September 23, 2022 indemnification request letter, we detailed the contractual or other basis for indemnifying GES for these legal fees. For the Board's convenience, we provide that information again here.

- **Count One** is based in part on actions Mr. Grace took in response to complaints lodged against SSCSD for its contracting practices. Count one is also based on actions taken by the then-Chairperson of the Board. Finally, Count one is based on actions Mr. Grace took in response to harassment of GES staff that occurred in the District office. Given that the Agreement requires GES to staff the facility collectively (facility as defined in section I.C. in the contract) eight hours a day, five days a week, any action he took in response to harassment targeted to GES employees is directly related to the Agreement.
- **Count two** arises from communications GES made to the FPPC at the direction of the Board of Directors.
- **Count three** is based on the District Attorney's interpretation of the meaning of the term "Facilities" in the Agreement, as it relates to whether GES or the District is responsible for certain weed abatement costs. This provision has been in the same contract that SSCSD has used with GES's predecessors for decades. GES did not author or have any involvement in including this provision in the contract. It is important to note that the SSCSD Board of Directors had never raised questions about GES's weed abatement invoices, which understandably gave GES the assurance that it was in compliance with the contract term. A member of the public raised the question of who should be responsible for certain weed abatement costs at a public meeting, and when Mr. Grace responded with his understanding of what constitutes the District's "facilities," there was no objection from the Board of Directors or the District's counsel.
- **Count four** alleges that GES did not obtain all of the insurances required by the Agreement. However, during the investigation phase of this action and while attempting to remedy the insurance issue, Mr. Grace learned that the Agreement included an insurance requirement that does not exist. Further, the insurance requirement language in the Agreement was unclear.
- **Count five** arises from SSCSD's longstanding practice of referring to its operations and facilities maintenance contractor as "General Manager" despite not appointing a natural person to fill that statutorily-defined position. Mr. Grace is not a SSCSD board director and could not have appointed himself to be the General Manager. This alleged violation is squarely within the Board's duties.
- **Count six** arises from GES's implementation of Section IV.C of the 2016 Professional Services Agreement. Section IV.C provides, in relevant part: "To the limit of \$40,000 annually, GES shall provide Preventive and Corrective Maintenance or Repairs for FACILITY..." and "SSCSD shall be responsible for and pay all Capital Maintenance, Repair and Replacement costs as defined above." The Complaint alleges that GES misused its discretion when allocating costs to GES or SSCSD. However, expenditure reports are provided to the Board

Chair and Budget Chair regularly, giving GES the assurance that his allocations were correct and consistent with the District's expectations. We also note that the District has not questioned the propriety of GES's allocations. Similar to Count 3, this provision has been in the same contract that SSCSD has used with GES's predecessors. GES did not author or have any involvement in including this provision in the contract. Mr. Grace merely executed what the contract required GES to do.

- **Count seven** arises from GES's implementation of its contractually-required obligation to prepare and distribute the District's newsletter. This requirement is found in Section IV.O(13) of the 2016 Professional Services Agreement.
- **Count eight** arises from GES's alleged preparation of the April 22, 2021 board meeting agenda, which GES is contractually required to prepare (and does so in coordination with the Board Chairperson) per Section IV.O(10) of the 2016 Professional Services Agreement.

In sum, counts one through eight of the Complaint are based squarely on SSCSD contractual mandates that GES works to satisfy, all performed with oversight and express or implied approval by the Board of Directors. Additionally, two of the counts are based on the DA's belief that certain terms in the contract are ambiguous. At the core of this investigation is a SSCSD contract that was used with predecessor companies, so indemnification is particularly appropriate.

Separately, we wrote to you in our February 14, 2022 letter:

"...three frivolous complaints were filed with the FPPC against Mr. Grace for actions that he and the District took to affirmatively address the matters raised in the underlying FPPC and District Attorney investigations and to address clerical corrections in the GES Professional Services Agreement. Specifically, the gist of the three frivolous complaints is as follows:

- *Complaint No. COM-10252021-03081 (Complainant Hank Krzciuk), containing allegations regarding Mr. Grace's Form 700 (Statement of Economic Interests) cover pages, was rejected on the grounds that "The actions taken by the public official in your complaint are not governed by the (Political Reform) Act, and the complaint failed to establish any violations of the Act."*
- *Complaint No. COM-10182021-03015 (Complainant Julie Tacker) was rejected with the following statement of reasons: "Your complaint alleges that Charles Grace failed to properly recuse himself from an agenda item at the October 12, 2021 San Simeon CSD board meeting, and that the agenda item itself violated Government Code Section 1090. Please note that the rules regarding the manner of disqualification only apply to public officials designated in Government Code Section 87200, of which Mr. Grace is not a member. Additionally, your complaint offers no evidence that Mr. Grace was involved in his official capacity in the contract amendments approved by the San Simeon CSD which would give rise to a violation of Section 1090."*

- *Complaint No. COM-01032022-03640 (Complaint by Julie Tacker), alleging that Mr. Grace violated Section 1090, this time based on the clerical corrections voted on by the Board at the December 21, 2021 meeting, was rejected.*

All three of these complaints were without merit and were swiftly rejected by the FPPC. Mr. Grace intends to exercise his contractual right to seek indemnification for his costs defending these actions, including attorney's fees, in a future request to the Board as they arose and/or were related to the Professional Services Agreement."

Therefore, this indemnification request includes the fees incurred with defending the three frivolous FPPC complaints.

Please do not hesitate to let us know if the Board requires additional information to support this request.

Sincerely,



Amber Maltbie
Nossaman LLP

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
11/9/2020	AM2	Begin reviewing FPPC complaints and other materials provided by C. Grace.	0.50	272.50
11/10/2020	GWS	Review and analyze District Attorney/FPPC letter to Charles Grace; review Government Code section 1090 [REDACTED].	0.75	450.00
11/11/2020	GWS	Draft email to Amber Maltbie [REDACTED].	0.25	150.00
11/12/2020	AM2	Conference call with C. Grace and G. Sanders to [REDACTED].	1.50	817.50
11/12/2020	GWS	Telephone conference with Charles Grace and Amber Maltbie [REDACTED].	1.25	750.00
11/13/2020	AM2	Draft response letter. Revise [REDACTED]. Transmit to County and FPPC.	1.50	817.50
11/13/2020	GWS	Review draft letter to Deputy District Attorney and FPPC edits; review final letter.	0.25	150.00
11/16/2020	AM2	Initial review of letter from DA in response to our request for additional detail.	0.25	136.25
11/16/2020	GWS	Review and analyze Deputy District Attorney response to letter seeking detail and clarification of charges.	0.25	150.00
11/17/2020	AM2	Finalize review of DA/FPPC letter; preparation conference call with C. Grace [REDACTED].	6.00	3,270.00
11/7/2020	GWS	Review and analyze letter [REDACTED].	0.25	150.00
11/18/2020	AM2	Begin draft [REDACTED].	0.25	136.25
11/18/2020	GWS	Review [REDACTED].	0.25	150.00
11/18/2020	GWS	Review [REDACTED] forwarded by Charles Grace.	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
11/20/2020	GWS	Telephone conference with client [REDACTED] S.	0.50	300.00
11/20/2020	GWS	Review and analyze LAFCO hearing [REDACTED]	0.50	300.00
11/24/2020	AM2	Review transmittal letter [REDACTED]; prepare and transmit email to C. Grace and G. Sanders re same.	0.75	408.75
11/24/2020	GWS	Review draft tolling agreement; respond.	0.25	150.00
11/25/2020	AM2	Attention to C. Grace's response [REDACTED].	0.25	136.25
11/25/2020	GWS	Review and analyze [REDACTED].	0.25	150.00
12/1/2020	AM2	Review CPI calculations against contract [REDACTED] S.	1.25	681.25
12/2/2020	AM2	Review CPI calculation [REDACTED] Emails with C. Grace [REDACTED].	1.25	681.25
12/3/2020	AM2	Review 5535 account invoices and transmit responsive documents to the DA.	0.50	272.50
12/4/2020	AM2	Finalize bullet points. [REDACTED].	3.50	1,907.50
12/6/2020	AM2	Prepare for strategy call [REDACTED].	0.50	272.50
12/7/2020	AM2	Conference call with C. Grace [REDACTED].	2.25	1,226.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
12/9/2020	AM2	Draft response to inquiry [REDACTED]; review January 2016 board meeting [REDACTED]. Review 5535 account and invoices. Correspond with FPPC re complaint.	3.75	2,043.75
12/10/2020	AM2	Review C. Grace feedback [REDACTED]; review 2014/2016 contract provisions for same. Conference call with C. Grace [REDACTED].	1.50	817.50
12/11/2020	AM2	Review and transmit 5535 account invoices for 2017, FY 2018/2109 and FY 2019/2020.	1.00	545.00
12/14/2020	AM2	Review response letter [REDACTED] internal email to G. Sanders [REDACTED]. Call with C. Grace [REDACTED].	2.00	1,090.00
12/14/2020	GWS	Review and analyze draft letter [REDACTED]; draft email to Amber Maltbie.	0.50	300.00
12/14/2020	GWS	Review and analyze email [REDACTED] etc.	0.25	150.00
12/15/2020	AM2	Attend DA/FPPC meeting; debrief call with C. Grace [REDACTED].	3.50	1,907.50
12/18/2020	AM2	Call with C. Grace [REDACTED].	0.50	272.50
12/22/2020	AM2	Review APT contract; email to C. Grace [REDACTED]. Conference call with C. Grace [REDACTED].	1.75	953.75
12/23/2020	AM2	Review correspondence from DA and prepare update [REDACTED].	0.75	408.75

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
12/23/2020	GWS	Research regarding various issues.	2.00	1,200.00
12/25/2020	AM2	Debrief/strategy conference call with C. Grace and G. Sanders.	1.00	545.00
12/25/2020	GWS	Prepare for conference call with Charles Grace and Amber Maltbie; participate in conference call.	1.25	750.00
12/29/2020	AM2	Respond to question [REDACTED]. Finalize DA/FPPC response letter. Internal communications with G. Sanders [REDACTED].	1.50	817.50
12/29/2020	GWS	Review, revise and edit draft response [REDACTED].	0.75	450.00
12/30/2020	AM2	Finalize DA/FPPC response letter and transmit same.	0.50	272.50
1/3/2021	GWS	Review emails from client [REDACTED].	0.50	300.00
1/20/2021	AM2	Review correspondence from DA; prepare overview email and update to C. Grace and G. Sanders. Begin reviewing emails from [REDACTED].	1.25	681.25
1/11/2021	GWS	Review and analyze email from deputy DA Ken Jorgensen; draft email to Amber Maltbie; outline issues [REDACTED].	1.25	750.00
1/12/2021	AM2	Begin preparing response to DA letter and requests. Review January 2016 board meeting comments [REDACTED].	0.75	408.75
1/12/2021	GWS	Refine issues for discussion [REDACTED].	1.00	600.00
1/13/2021	AM2	Conference call with C. Grace and G. Sanders [REDACTED].	0.50	272.50

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
1/13/2021	GWS	Review email to client [REDACTED]; prepare for telephone conference with client; participate in telephone conference.	1.25	750.00
1/15/2021	AM2	Call with DA Jorgensen and G. Sanders; prep and debrief calls re same.	2.50	1,362.50
1/15/2021	GWS	Prepare for conference call with Deputy DA Ken Jorgensen; telephone conference with Amber Maltbie; participate in conference call: follow up telephone conference with Amber Maltbie.	2.25	1,350.00
1/19/2021	AM2	Prepare memo to file [REDACTED].	0.50	272.50
1/20/2021	AM2	Finalize memo to file [REDACTED]. Email to G. Sanders [REDACTED]. Compile [REDACTED].	2.00	1,090.00
1/21/2021	AM2	Status update and strategy call with C. Grace and G. Sanders.	1.00	545.00
1/21/2021	GWS	Prepare for telephone conference with client and Amber Maltbie; participate in telephone conference.	1.50	900.00
1/25/2021	GWS	Review [REDACTED]	0.25	150.00
1/26/2021	AM2	Conference call with DA and FPPC re case status and next steps. Prepare for same.	1.75	953.75
1/26/2021	GWS	Prepare for conference call with Deputy DA Jorgensen and FPPC attorney; participate in conference call; follow-up review [REDACTED]; draft email to Amber Maltbie.	3.75	2,250.00
2/4/2021	AM2	Review and respond to email from K. Jorgensen. Status update call with C Grace.	0.50	272.50

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
2/4/2021	GWS	Review questions posed by Ken Jorgensen [REDACTED]; review newsletter.	0.25	150.00
2/5/2021	AM2	Prepare overview of legal issue [REDACTED]. Internal email to G. Sanders re same.	1.50	817.50
2/8/2021	AM2	Finalize DA/FPPC response letter and transmit same to DA and FPPC.	0.50	272.50
2/8/2021	GWS	Review and edit transmittal letter to Deputy District Attorney Ken Jorgensen [REDACTED].	0.25	150.00
2/9/2021	AM2	Respond to inquiry [REDACTED]. Review resolution and question [REDACTED].	0.50	272.50
2/11/2021	AM2	Analysis of [REDACTED]. Continue outline [REDACTED] s.	1.00	545.00
2/16/2021	AM2	Review DA response to letter [REDACTED]; email update to G. Sanders and C. Grace re same.	0.75	408.75
2/17/2021	AM2	Attention to email between [REDACTED] and several others [REDACTED] t.	0.25	136.25
2/17/2021	GWS	Review email from hank Krzciuk.	0.25	150.00
2/18/2021	AM2	Prepare preliminary comments to DA letter [REDACTED]; watch board meeting discussions [REDACTED].	2.00	1,090.00
2/19/2021	AM2	[REDACTED] call with C. Grace and G. Sanders.	0.50	272.50
2/19/2021	GWS	Prepare for conference call with Charles Grace and Amber Maltbie; participate in conference call.	0.75	450.00
2/22/2021	AM2	Prepare response to DA/FPPC letter. Circulate same to C. Grace and G. Sanders. Review FPPC complaint against GES employee.	3.00	1,635.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
2/22/2021	GWS	Review notice of complaint from the FPPC [REDACTED]	0.25	150.00
2/22/2021	GWS	Review and analyze draft letter to Deputy District Attorney Ken Jorgensen and FPPC; edit letter; respond to Amber Maltbie.	0.25	150.00
2/23/2021	AM2	Finalize and transmit response to FPPC and DA re issues.	0.50	272.50
2/23/2021	AM2	Conference call with C. Grace [REDACTED].	1.25	681.25
2/25/2021	AM2	Conference call with C. Grace [REDACTED].	0.75	408.75
3/2/2021	AM2	Draft response to FPPC/complaint [REDACTED]; [REDACTED]	1.50	817.50
3/3/2021	AM2	Review DA letter; analysis [REDACTED] s.	1.25	681.25
3/4/2021	AM2	Finalize and transmit FPPC response. Correspond with C. Grace and G. Sanders [REDACTED] s; email to K. Jorgensen [REDACTED].	0.50	272.50
3/4/2021	GWS	Review letter to Deputy DA Ken Jorgensen; transmit email to Charles Grace and Amber Maltbie.	0.25	150.00
3/8/2021	AM2	Review FPPC response to [REDACTED].	0.25	136.25
3/8/2021	GWS	Review complaint letter from the FPPC.	0.25	150.00
3/9/2021	AM2	Analysis of FPPC response [REDACTED] email recommendations to C. Grace. Draft response [REDACTED].	1.00	545.00
3/9/2021	GWS	Review emails from FPPC and Amber Maltbie [REDACTED]; respond to Amber Maltbie.	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
3/9/2021	GWS	Review and analyze [REDACTED]	0.25	150.00
3/10/2021	AM2	Finalize and transmit response to FPPC [REDACTED].	0.25	136.25
3/11/2021	AM2	Draft responses to issues. Review [REDACTED].	4.50	2,452.50
3/12/2021	AM2	Correspond with FPPC [REDACTED].	0.25	136.25
3/12/2021	GWS	Prepare for conference call with Charles Grace and San Simeon Community Services District General Counsel [REDACTED]	0.75	450.00
3/16/2021	AM2	Compile issues and follow up questions [REDACTED]. Compile several supporting materials [REDACTED]	1.50	817.50
3/17/2021	AM2	Continue preparing response to issues letter; review and comment [REDACTED].	4.25	2,316.25
3/18/2021	AM2	Finalize draft response letter [REDACTED]. Review several supporting materials and board meeting videos for same.	5.50	2,997.50
3/18/2021	GWS	Review, analyze and edit draft letter to Deputy District Attorney Ken Jorgensen; draft email to Amber Maltbie regarding edits	1.25	750.00
3/22/2021	AM2	Revise letter based on feedback from C. Grace and G. Sanders; attention to compiling supporting exhibits.	1.75	953.75
3/23/2021	GWS	Review and edit response letter to Deputy District Attorney Ken Jorgensen.	0.50	300.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
3/24/2021	AM2	Call with C. Grace [REDACTED]; review FPPC correspondence [REDACTED].	0.50	272.50
3/30/2021	AM2	Call with C. Grace, G. Sanders, J. Minnery [REDACTED].	1.00	545.00
3/30/2021	GWS	Prepare for conference call with client and San Simeon Community Services District General Counsel; participate in conference call.	1.00	600.00
4/2/2021	AM2	Attention to email from FPPC [REDACTED].	0.25	136.25
4/7/2021	AM2	Follow up with C. Grace re [REDACTED].	2.50	1,362.50
4/12/2021	AM2	Review DA/FPPC response letter; continue research/notes [REDACTED]. Emails to C. Grace, G. Sanders and J. Minnery re same.	2.00	1,090.00
4/15/2021	AM2	Transmit Form 700 to FPPC [REDACTED].	0.25	136.25
4/15/2021	AM2	Call with C. Grace [REDACTED].	0.25	136.25
4/21/2021	AM2	Strategy call re [REDACTED]. Prepare by reviewing most recent DA letter.	1.25	681.25
4/21/2021	GWS	Prepare for conference call with client, Amber Maltbie and SSCSD counsel; participate in conference call [REDACTED].	0.75	450.00
4/21/2021	GWS	Review letter from FPPC [REDACTED].	0.25	150.00
4/22/2021	AM2	[REDACTED]	3.00	1,635.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
4/22/2021	GWS	[REDACTED]; follow-up telephone conference with Charles Grace.	2.50	1,500.00
4/26/2021	AM2	Coordinate meeting with DA and FPPC.	0.25	136.25
4/29/2021	GWS	Further preparation for conference call with Deputy District Attorney.	1.00	600.00
4/30/2021	AM2	Call with FPPC, DA and SSCSD counsel. Prepare for same.	1.50	817.50
4/30/2021	GWS	Conference call with Deputy District Attorney.	1.25	750.00
5/4/2021	AM2	Attention to Brown Act complaint, DA letter [REDACTED].	2.00	1,090.00
5/4/2021	GWS	Review and analyze email [REDACTED].	0.75	450.00
5/4/2021	GWS	Prepare for telephone conference with Charles Grace, Amber Maltbie and San Simeon Community Services District attorneys; participate in telephone conference.	1.25	750.00
5/4/2021	GWS	Review and analyze [REDACTED].	0.25	150.00
5/5/2021	AM2	Strategy calls; prepare for same.	2.25	1,226.25
5/6/2021	AM2	Review and comment on letter.	0.50	272.50
5/6/2021	GWS	Review and analyze draft email to Charles Grace [REDACTED] regarding [REDACTED]; telephone conference with Charles Grace and Amber Maltbie [REDACTED].	0.75	450.00
5/6/2021	GWS	Review email from Amber Maltbie; respond.	0.25	150.00
5/12/2021	AM2	Review tolling agreements; email to G. Sanders and C. Grace [REDACTED].	0.25	136.25
5/12/2021	AM2	Draft response to 18 page letter. Analysis of legal arguments for same.	1.00	545.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
5/13/2021	AM2	Continue drafting letter response.	2.25	1,226.25
5/14/2021	AM2	Continue drafting letter response.	1.25	681.25
5/17/2021	AM2	Continued attention to letter drafting.	1.50	817.50
5/18/2021	AM2	Finalize and circulate response to DA/FPPC; call [REDACTED].	5.00	2,725.00
5/18/2021	GWS	Prepare for telephone conference with Charles Grace and Amber Maltbie; review and analyze draft letter [REDACTED]; discuss responses [REDACTED].	2.00	1,200.00
5/18/2021	GWS	Review and analyze [REDACTED] n.	0.25	150.00
5/19/2021	AM2	Finalize letter; prepare attachments. Make revisions [REDACTED].	4.00	2,180.00
5/19/2021	GWS	Draft email to SSCSD General Counsel Jeff Minnery [REDACTED].	0.25	150.00
5/19/2021	GWS	Review and analyze draft response letter [REDACTED]; draft redline and transmit to Charles Grace and Amber Maltbie.	0.25	150.00
5/20/2021	AM2	Prepare and circulate [REDACTED]. Transmit Form 700 to DA/FPPC. Call with C. Grace [REDACTED].	2.75	1,498.75
5/21/2021	AM2	Finalize and circulate second portion of letter.	1.25	681.25
5/21/2021	GWS	Review email from SSCSD General Counsel Jeff Minnery; respond.	0.25	150.00
5/21/2021	GWS	Review and analyze final letter to DDA Ken Jorgensen.	0.25	150.00
5/24/2021	AM2	Modify letter; email to C. Grace and G. Sanders. Finalize and transmit to FPPC/DA.	0.25	136.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
5/24/2021	GWS	Telephone conference with SSCSD General Counsel Jeff Minnery regarding [REDACTED].	0.25	150.00
5/24/2021	GWS	Review and analyze second response letter to Deputy District Attorney Ken Jorgensen.	0.25	150.00
5/25/2021	AM2	Review and comment on Form 700 amendments.	0.50	272.50
6/2/2021	AM2	Reminder to C. Grace re additional document submissions; transmit same to DA/FPPC; call with C. Grace [REDACTED]s.	0.50	272.50
6/3/2021	AM2	Attention to email from C. Grace [REDACTED].	0.25	136.25
6/4/2021	AM2	Attention to [REDACTED].	0.50	272.50
6/4/2021	GWS	Prepare for telephone conference with Charles Grace and SSCSD General Counsel regarding [REDACTED]; participate in conference call.	0.50	300.00
6/7/2021	AM2	Status update call with C. Grace and G. Sanders; outreach to K. Jorgensen re same.	0.25	136.25
6/7/2021	GWS	Prepare for telephone conference with Charles Grace and Amber Maltbie; participate in conference call.	0.50	300.00
6/8/2021	AM2	Status update call with K. Jorgensen.	0.50	272.50
6/11/2021	AM2	Prepare email summary [REDACTED].	0.50	272.50
6/11/2021	GWS	Review email from Amber Maltbie [REDACTED]; draft response.	0.25	150.00
6/15/2021	AM2	Strategy call with C. Grace and G. Sanders.	1.00	545.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
6/16/2021	AM2	Attention to tolling agreements and communicate with DA/FPPC re same.	0.25	136.25
6/17/2021	AM2	Prepare legal and factual information [REDACTED].	1.00	545.00
6/18/2021	AM2	Finalize update [REDACTED]; transmit to G. Sanders and C. Grace to review.	1.00	545.00
6/20/2021	AM2	Review C. Grace revision [REDACTED] Review case law [REDACTED].	0.50	272.50
6/21/2021	AM2	Finalize and transmit additional information to DA and FPPC.	0.25	136.25
6/28/2021	AM2	Attention to scheduling settlement meeting. Emails with G. Sanders and C. Grace [REDACTED].	0.50	272.50
6/28/2021	GWS	Review email from Amber Maltbie [REDACTED]; respond.	0.25	150.00
7/1/2021	AM2	Joint call with DA/FPPC. Prepare for and attention to follow up from same.	2.25	1,226.25
7/1/2021	GWS	Prepare for telephone conference with DDA Ken Jorgensen and Amber Maltbie; participate in telephone conference.	1.00	600.00
7/6/2021	AM2	Prepare email memo to C. Grace [REDACTED].	1.50	817.50
7/6/2021	GWS	Review updated [REDACTED].	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
7/7/2021	AM2	Conference call with C. Grace and G. Sanders [REDACTED] [REDACTED]; continued research i [REDACTED].	0.50	272.50
7/8/2021	AM2	Conference call with C. Grace and G. Sanders [REDACTED] [REDACTED]; continued research [REDACTED].	2.75	1,498.75
7/8/2021	GWS	Conference call with Charlie Grace and Amber Maltbie [REDACTED].	0.75	450.00
7/9/2021	GWS	Review several emails from Charles Grace [REDACTED] [REDACTED].	0.25	150.00
7/12/2021	AM2	Attention to materials, articles and letters [REDACTED] [REDACTED].	0.25	136.25
7/14/2021	AM2	Conference call with C. Grace [REDACTED] [REDACTED].	1.50	817.50
7/14/2021	GWS	Review email [REDACTED] [REDACTED]; respond to Amber Maltbie.	0.25	150.00
7/16/2021	AM2	Attention to follow up inquiry from K. Jorgenson and respond to same.	0.50	272.50
7/19/2021	AM2	Attention to [REDACTED] [REDACTED].	0.25	136.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
7/19/2021	GWS	Review email from Charlie Grace r [REDACTED] [REDACTED]	0.25	150.00
7/20/2021	AM2	Review [REDACTED] responses and email follow up question to C. Grace. Review [REDACTED] [REDACTED]	0.50	272.50
7/22/2021	AM2	Correspond with DA and C. Grace [REDACTED]	0.25	136.25
7/23/2021	AM2	Respond to email from G. Sanders [REDACTED] [REDACTED]	0.25	136.25
7/30/2021	AM2	Initial review [REDACTED] Correspond with C. Grace.	0.25	136.25
7/31/2021	AM2	Analysis of and respond [REDACTED] [REDACTED]	0.75	408.75
8/2/2021	AM2	Attention to correspondence from DA [REDACTED] [REDACTED]; email to C. Grace [REDACTED]	0.25	136.25
8/3/2021	AM2	Correspond with DA re status of information request.	0.25	136.25
8/4/2021	AM2	Follow up with C. Grace [REDACTED]	0.25	136.25
8/5/2021	AM2	Correspond with DA re insurance; attention to response.	0.25	136.25
8/11/2021	AM2	Review and analysis [REDACTED]	2.00	1,090.00
8/11/2021	GWS	Review and analyze [REDACTED]	1.25	750.00
8/13/2021	AM2	Call with C. Grace and G. Sanders [REDACTED] [REDACTED]; listen to portion of SSCSD board meeting.	1.50	817.50
8/13/2021	GWS	Telephone conference with Charles Grace and Amber Maltbie [REDACTED]	1.00	600.00
8/15/2021	AM2	Analysis of [REDACTED] [REDACTED]; [REDACTED] [REDACTED]g.	0.50	272.50

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
8/16/2021	AM2	Call with C. Grace [REDACTED]. Attention to prior FPPC enforcement actions [REDACTED].	1.25	681.25
8/17/2021	AM2	Respond to C. Grace [REDACTED].	0.25	136.25
8/19/2021	AM2	Research [REDACTED]; confirm [REDACTED]. Call with C. Grace re same.	1.00	545.00
8/20/2021	AM2	Attention to [REDACTED] FPPC proposed stipulated settlement.	0.50	272.50
8/22/2021	AM2	Legal analysis of claims [REDACTED]. prepare outline [REDACTED]. Attention to C. Grace's comments [REDACTED].	2.50	1,362.50
8/23/2021	AM2	Call with insurance broker [REDACTED].	1.00	545.00
8/24/2021	AM2	Redline changes to FPPC stipulated settlement; research [REDACTED].	1.00	545.00
8/25/2021	AM2	Review C. Grace's redlines.	0.25	136.25
8/25/2021	AM2	Conference call with C. Grace [REDACTED].	1.50	817.50
8/26/2021	AM2	Finalize FPPC redlines and prepare transmittal language.	1.00	545.00
8/27/2021	AM2	[REDACTED]; internal email [REDACTED]. Finalize FPPC response and transmit to T. Gilbertson.	0.50	272.50
8/27/2021	JNJ1	Briefly research scope [REDACTED].	1.25	656.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
8/31/2021	AM2	Finalize analysis [REDACTED] transmit outline of same to G. Sanders and C. Grace. Correspond with C. Grace and FPPC [REDACTED] [REDACTED]	3.25	1,771.25
9/1/2021	AM2	Correspond with FPPC and C. Grace [REDACTED] [REDACTED]	0.25	136.25
9/3/2021	AM2	Attention to DA letter [REDACTED] [REDACTED].	0.25	136.25
9/8/2021	AM2	Review FPPC revised agreement and emails/calls with C. Grace re same. A [REDACTED] [REDACTED]. Prepare outline [REDACTED]	1.75	953.75
9/9/2021	AM2	Strategy call with C. Grace and G. Sanders r [REDACTED] [REDACTED]	1.50	817.50
9/9/2021	GWS	Conference call with Charles Grace and Amber Maltbie.	1.00	600.00
9/10/2021	AM2	Coordinate call with SLO DA; internal communication with G. Sanders [REDACTED]	0.25	136.25
9/13/2021	AM2	Review [REDACTED] and advice [REDACTED]	0.25	136.25
9/14/2021	AM2	Conference call with G. Sanders and J. Minnery [REDACTED] [REDACTED]	0.50	272.50
9/14/2021	GWS	Prepare for conference call with Jeff Minnery and Amber Maltbie r [REDACTED] [REDACTED] participate in conference call.	0.75	450.00
9/15/2021	AM2	Review [REDACTED]	0.25	136.25
9/16/2021	AM2	Settlement conference with G. Sanders and DA Jorgensen; prepare for same.	4.50	2,452.50

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
9/16/2021	GWS	Prepare for telephone conference with Deputy District Attorney Ken Jorgensen and Amber Maltbie [REDACTED]; participate in telephone conference; follow-up telephone conference with Charles Grace.	1.25	750.00
9/17/2021	AM2	Review [REDACTED]; follow up from call to K. Jorgensen [REDACTED]	0.75	408.75
9/17/2021	GWS	Review and analyze [REDACTED] email [REDACTED].	0.25	150.00
9/20/2021	AM2	Attention to finalizing FPPC action with payment.	0.25	136.25
9/20/2021	GWS	Review [REDACTED]	0.25	150.00
9/22/2021	AM2	Review [REDACTED] and call with G. Sanders [REDACTED]	0.25	136.25
9/22/2021	GWS	Telephone conference with Amber Maltbie [REDACTED].	0.50	300.00
9/22/2021	GWS	Review and analyze [REDACTED]; draft email to Charles Grace and Amber Maltbie.	0.25	150.00
9/23/2021	AM2	Review amendment a [REDACTED]; [REDACTED]; call with C Grace [REDACTED]	0.50	272.50
9/23/2021	GWS	Review emails [REDACTED]	0.25	150.00
9/23/2021	GWS	Draft email to Jeff Minnery [REDACTED].	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
9/24/2021	AM2	Call with C. Grace [REDACTED] begin drafting [REDACTED]	1.50	817.50
9/26/2021	AM2	Continue drafting letter [REDACTED]	0.50	272.50
9/27/2021	AM2	Continued attention to drafting letter [REDACTED] call with C. Grace [REDACTED]	2.25	1,226.25
9/27/2021	GWS	Prepare for conference call with Charlie Grace: participate in conference call.	0.75	450.00
9/27/2021	GWS	Review [REDACTED]; draft comments to Charles Grace; review opinion [REDACTED].	0.25	150.00
9/28/2021	AM2	Prepare [REDACTED]. Review civil complaint. Attend aborted board meeting.	2.75	1,498.75
9/28/2021	GWS	Review file and prepare for [REDACTED].	0.50	300.00
9/28/2021	GWS	Telephone conference [REDACTED]	1.25	750.00
9/28/2021	GWS	Review and analyze District Attorney civil complaint against Charles Grace and GES; telephone conference with Charles Grace.	0.50	300.00
9/28/2021	GWS	Review draft [REDACTED]; draft email to Amber Maltbie.	0.25	150.00
9/29/2021	AM2	Finalize and transmit PRA. Research [REDACTED]. Attention to articles.	1.00	545.00
10/1/2021	AM2	Attention to new PRA request [REDACTED]	0.25	136.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
10/3/2021	AM2	Listen to [REDACTED] [REDACTED].	0.75	408.75
10/4/2021	AM2	Emails with J. Meeker [REDACTED] [REDACTED]s.	0.25	136.25
10/5/2021	AM2	Review contract bullet points and comment on same. Follow up correspondence with C. Grace [REDACTED] [REDACTED].	0.50	272.50
10/5/2021	GWS	Review and analyze email correspondence from Jeff Minnery [REDACTED] [REDACTED].	0.25	150.00
10/6/2021	GWS	Telephone conference with Jeff Minnery [REDACTED] [REDACTED].	0.75	450.00
10/8/2021	AM2	Begin reviewing [REDACTED] [REDACTED]; attention to contract revisions.	0.25	136.25
10/10/2021	AM2	Review contract amendment and restatement; call with G. Sanders [REDACTED]; analysis of [REDACTED] case law [REDACTED] [REDACTED].	1.00	545.00
10/10/2021	GWS	Review and analyze draft SSCSD/GES contract amendments; [REDACTED] [REDACTED].	2.75	1,650.00
10/11/2021	AM2	Begin reviewing [REDACTED] [REDACTED] A.	0.50	272.50
10/11/2021	GWS	Telephone conference with Jeff Minnery [REDACTED] [REDACTED].	0.25	150.00
10/12/2021	AM2	Review DA's response [REDACTED]	0.25	136.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
10/12/2021	AM2	Review DA's response to CPRA request. Email to G. Sanders and C. Grace [REDACTED]	0.25	136.25
10/12/2021	GWS	Review and analyze GES liability insurance policies.	1.00	600.00
10/12/2021	GWS	Draft email to Jennifer Meeker [REDACTED]	0.25	150.00
10/13/2021	AM2	Finalize and transmit [REDACTED].	0.50	272.50
10/14/2021	JLM1	Review 100+ page complaint and liability policy [REDACTED]	4.00	2,300.00
10/18/2021	AM2	Initial review and analysis of FPPC complaint; email to G. Sanders and C. Grace re same.	0.50	272.50
10/20/2021	AM2	Review public comments; correspond with C. Grace and G. Sanders re same.	0.25	136.25
10/21/2021	AM2	Prepare for and attend FPPC meeting; debrief to C. Grace and G. Sanders [REDACTED]. Watch video portion of commissioner instruction to staff [REDACTED]	4.00	2,180.00
10/21/2021	GWS	Review and analyze summary of FPPC proceedings; respond.	0.25	150.00
10/22/2021	AM2	Review FPPC revisions to stipulation; analysis of [REDACTED]; email to C. Grace and G. Sanders [REDACTED].	1.00	545.00
10/23/2021	AM2	Continued attention to drafting complaint response and amending stipulation language; call with C. Grace [REDACTED]	1.50	817.50
10/24/2021	AM2	Continue drafting complaint response.	0.50	272.50
10/25/2021	AM2	Calls with C. Grace and T. Gilbertson [REDACTED]. Draft revisions [REDACTED]. Begin preparing [REDACTED].	2.75	1,498.75

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
10/25/2021	GWS	Review and analyze [REDACTED]; review [REDACTED]	0.25	150.00
10/25/2021	GWS	Review and analyze draft response [REDACTED]	0.25	150.00
10/25/2021	GWS	Review FPPC complaint lodged by Hank Krzciuk.	0.25	150.00
10/26/2021	AM2	Respond to G. Sanders re [REDACTED]. Continue drafting [REDACTED].	1.25	681.25
10/26/2021	GWS	Review and analyze [REDACTED]	0.25	150.00
10/27/2021	AM2	Review response [REDACTED]; finalize draft [REDACTED]; follow up with G. Sanders and C. Grace re [REDACTED]. Respond to several emails [REDACTED].	2.75	1,498.75
10/27/2021	GWS	Review and analyze [REDACTED]	0.25	150.00
10/27/2021	GWS	Review, revise and edit indemnification letter to San Simeon Community Services District General Counsel.	0.25	150.00
10/28/2021	AM2	Finalize T [REDACTED]; correspond with C. Grace and G. Sanders [REDACTED]; transmit to [REDACTED].	1.00	545.00
10/28/2021	GWS	Review final draft [REDACTED]	0.25	150.00
10/29/2021	AM2	Review FPPC revisions to stipulation language; email to C. Grace and G. Sanders [REDACTED].	0.25	136.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
10/29/2021	GWS	Review and analyze revised FPPC stipulation; further review [REDACTED]	0.50	300.00
10/30/2021	AM2	Transmit ethics training certificate to T. Gilbertson.	0.25	136.25
11/1/2021	AM2	Finalize coordination/transmittal of FPPC settlement docs to T. Gilbertson.	0.25	136.25
11/1/2021	GWS	Review email [REDACTED]	2.50	1,500.00
11/2/2021	GWS	Review form letter [REDACTED]	0.25	150.00
11/2/2021	GWS	Review comments on form letter [REDACTED]; respond.	0.25	150.00
11/3/2021	AM2	Prepare [REDACTED]. Review edits [REDACTED]	0.50	272.50
11/4/2021	GWS	Draft email [REDACTED]	0.25	150.00
11/4/2021	GWS	Review email [REDACTED]	0.25	150.00
11/5/2021	AM2	Call with C. Grace [REDACTED]	0.25	136.25
11/8/2021	AM2	Call with G. Sanders [REDACTED]. Prepare response [REDACTED]. Review supplemental material provided and email to FPPC [REDACTED].	1.25	681.25
11/8/2021	GWS	Review additional information [REDACTED]	0.25	150.00
11/8/2021	GWS	Telephone conference with Amber Maltbie [REDACTED]	0.25	150.00
11/8/2021	GWS	Review FPPC agenda and supporting letters.	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
11/9/2021	AM2	Correspond [REDACTED]; emails with C. Grace re same; follow up [REDACTED]. Review FPPC public comments relating to 11/18 item.	0.50	272.50
11/9/2021	GWS	Review comments [REDACTED].	0.25	150.00
11/9/2021	GWS	Review email from Amber Maltbie [REDACTED]; respond.	0.25	150.00
11/9/2021	GWS	Review draft response [REDACTED]	0.25	150.00
11/11/2021	AM2	Review public comment letter [REDACTED] comment on same.	0.25	136.25
11/11/2021	GWS	Review and analyze draft support letter [REDACTED] r.; draft email [REDACTED]	0.25	150.00
11/14/2021	AM2	Internal email to G. Sanders [REDACTED]	0.25	136.25
11/15/2021	GWS	Review email [REDACTED]; respond.	0.25	150.00
11/16/2021	AM2	Attention to complaint; strategize [REDACTED] C; finalize and transmit [REDACTED]; internal outreach [REDACTED]. Call with C. Grace [REDACTED]	1.50	817.50
11/16/2021	GWS	Review [REDACTED].	0.25	150.00
11/17/2021	AM2	Attention to public comments.	0.25	136.25
11/17/2021	GWS	Review and analyze [REDACTED].	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
11/17/2021	GWS	Review Rules of Court [REDACTED]; review [REDACTED] e [REDACTED]; draft email to Amber Maltbie.	0.75	450.00
11/18/2021	AM2	Attend FPPC meeting and provide updates to C. Grace and G. Sanders [REDACTED]. Send update to [REDACTED]. Re-watch video to confirm direction from chair [REDACTED].	1.75	953.75
11/19/2021	GWS	Telephone conference with Charles Grace [REDACTED].	0.25	150.00
11/22/2021	AM2	Internal conference call [REDACTED]; review FPPC response [REDACTED].	0.75	408.75
11/22/2021	GWS	Telephone conference with John Flynn and Amber Maltbie [REDACTED].	0.25	150.00
11/22/2021	GWS	Telephone conference [REDACTED]; telephone conference with Charles Grace.	0.50	300.00
11/22/2021	JJF	Review and analyze civil complaint filed by DA's office; review related emails; conference call with G. Sanders and A. Maltbie.	1.00	785.00
11/23/2021	AM2	Internal emails [REDACTED].	0.50	272.50
11/23/2021	GP1	Strategize with J. Flynn r [REDACTED].	0.50	192.50

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
11/23/2021	JJF	Review and analyze emails [REDACTED] [REDACTED] h; conference call with G. Perez [REDACTED].	0.75	588.75
11/24/2021	AM2	Emails with G. Perez [REDACTED] [REDACTED] t.	0.25	136.25
11/24/2021	GP1	Review complaint, all case opening documents, and prior communications with the District Attorney's office [REDACTED].	1.00	385.00
11/24/2021	GP1	Review California Rules of Court t [REDACTED].	0.25	96.25
11/24/2021	GP1	Review California Code of Civil Procedure [REDACTED] [REDACTED] t.	0.25	96.25
11/29/2021	JJF	Review emails [REDACTED]; prepare for 11-30 conference call.	0.50	392.50
11/30/2021	AM2	Confirm [REDACTED] [REDACTED] Strategy conference call.	0.50	272.50
11/30/2021	GP1	Conference call with C. Grace, J. Flynn, A. Maltbie, and G. Sanders [REDACTED].	0.50	192.50
11/30/2021	GP1	Strategize with J. Flynn r [REDACTED].	0.25	96.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
11/30/2021	GWS	Telephone conference with Charles Grace [REDACTED]	0.50	300.00
11/30/2021	JJF	Prepare for and participate in conference call with client [REDACTED] related conference call with G. Perez.	1.00	785.00
12/1/2021	GWS	Review various emails from Charles Grace.	0.25	150.00
12/2/2021	GWS	Review FPPC rejection of Julie Tacker 1090 complaint.	0.25	150.00
12/3/2021	AM2	Analysis [REDACTED]; prepare and transmit CPRA request to FPPC; call with C, Grace [REDACTED].	2.00	1,090.00
12/6/2021	AM2	Execute and transmit Notice of Acknowledgement.	0.25	136.25
12/6/2021	GP1	Review Notice and Acknowledgment of Receipt and email from District Attorney's office regarding same.	0.25	96.25
12/6/2021	JJF	Review e-mails [REDACTED].	0.25	196.25
12/8/2021	GWS	Review legal invoices [REDACTED]; draft email to Charles Grace and Amber Maltbie.	1.00	600.00
12/10/2021	AM2	[REDACTED]; review [REDACTED] request for advice from FPPC.	0.25	136.25
12/10/2021	GWS	Review [REDACTED] cease and desist letter; transmit email to Charles Grace.	0.25	150.00
12/13/2021	AM2	Analysis [REDACTED]; email to C. Grace re same.	0.50	272.50
12/14/2021	AM2	Review and forward FPPC response to CPRA request.	0.25	136.25
12/15/2021	AM2	Correspond [REDACTED].	0.25	136.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
12/15/2021	GWS	Review and analyze [REDACTED] email [REDACTED] [REDACTED]	0.25	150.00
12/15/2021	JJF	Review email from G. Sanders [REDACTED] [REDACTED]	0.25	196.25
12/17/2021	GP1	Strategize [REDACTED] [REDACTED]	0.25	96.25
12/17/2021	GWS	Draft email to John Flynn [REDACTED] [REDACTED]; review response [REDACTED].	0.25	150.00
12/17/2021	GWS	Respond to Amber Maltbie email [REDACTED] [REDACTED]	0.25	150.00
12/20/2021	AM2	Begin reviewing time entries for submitting request for indemnification; review letters [REDACTED]; call with C. Grace [REDACTED]. Begin drafting [REDACTED].	1.50	817.50
12/21/2021	AM2	Outreach to K. Jorgensen re extending response time; internal email to G. Perez and J. Flynn re CMC.	0.50	272.50
12/21/2021	GP1	Review emails [REDACTED] [REDACTED]	0.25	96.25
12/21/2021	GP1	Review case docket to confirm upcoming hearings.	0.25	96.25
12/21/2021	GWS	Review emails (3x) from John Flynn [REDACTED] [REDACTED]; respond to emails.	0.25	150.00
12/21/2021	GWS	Draft email to Amber Maltbie and John Flynn [REDACTED] [REDACTED].	0.25	150.00
12/21/2021	JJF	Review emails [REDACTED] [REDACTED].	0.25	196.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
12/28/2021	AM2	Review responsive documents to CPRA request; call with C Grace [REDACTED].	0.50	272.50
12/31/2021	AM2	Review staff report and board meeting video [REDACTED]; email to C. Grace re same.	0.50	272.50
1/3/2022	AM2	Initial review of FPPC complaint filed by J. Tacker; email to C. Grace re same.	0.25	136.25
1/3/2022	GWS	Review and analyze FPPC complaint filed by Julie Tacker.	0.25	150.00
1/7/2022	AM2	Letter to [REDACTED]; call with FPPC [REDACTED].	0.50	272.50
1/10/2022	AM2	Finalize plain language summary [REDACTED]; update to G. Sanders and C. Grace [REDACTED]. Review letter [REDACTED].	1.00	545.00
1/10/2022	GP1	Review Standing Order for Department 2, begin review of complaint in preparation for [REDACTED].	0.50	207.50
1/11/2022	AM2	Compile notes and research [REDACTED]; update and re-transmit [REDACTED].	0.50	272.50
1/11/2022	GP1	Review the department's Standing Order and rules [REDACTED] draft the case management statement, including review of complaint to draft same.	1.00	415.00
1/11/2022	GWS	Telephone conference with Charles Grace [REDACTED].	0.50	300.00
1/11/2022	GWS	Review summary of FPPC enforcement action [REDACTED].	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
1/11/2022	JJF	Review, analyze and response to emails [REDACTED]	0.75	611.25
1/12/2022	AM2	Conference with G. Sanders, G. Perez, and J. [REDACTED]. Prepare notes for same.	1.25	681.25
1/12/2022	JJF	Prepare for and participate in conference call with G. Sanders, A. Maltbie and G. Perez [REDACTED]	1.00	815.00
1/13/2022	AM2	Internal correspondence [REDACTED]; respond to C. Grace [REDACTED]	0.25	136.25
1/14/2022	AM2	Continue analysis [REDACTED]. Outreach to K. Jorgensen and internal emails re same.	1.25	681.25
1/14/2022	AM2	Attention to Tacker complaint. [REDACTED]	0.50	272.50
1/14/2022	GWS	Review social media posting [REDACTED]	0.25	150.00
1/14/2022	GWS	Review FPPC letter [REDACTED]	0.25	150.00
1/14/2022	GWS	Email correspondence with Amber Maltbie [REDACTED]	0.25	150.00
1/14/2022	JJF	Review emails [REDACTED]; conference between J. Flynn and G. Perez [REDACTED]	0.50	407.50
1/15/2022	AM2	Continued review of civil complaint [REDACTED].	1.25	681.25
1/17/2022	AM2	Finalize and transmit comments on civil complaint to G. Perez.	1.00	545.00
1/17/2022	AM2	Prepare response to FPPC complaint; research [REDACTED]	2.00	1,090.00
1/17/2022	GWS	Review and analyze [REDACTED].	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
1/17/2022	GWS	Review and analyze [REDACTED] response [REDACTED].	0.25	150.00
1/17/2022	GWS	Review and analyze [REDACTED] response [REDACTED].	0.25	150.00
1/17/2022	GWS	Research re [REDACTED].	2.50	1,500.00
1/18/2022	AM2	Finalize draft FPPC response and email to G. Sanders and C. Grace. Call with C. Grace [REDACTED]. Finalize and transmit to FPPC.	3.25	1,771.25
1/18/2022	AM2	Attention to email [REDACTED].	0.25	136.25
1/18/2022	GP1	Review and reply to various emails from K. Jorgensen regarding meeting and conferring for the upcoming Case Management Conference, [REDACTED].	0.25	103.75
1/18/2022	GP1	Draft emails to K. Jorgensen regarding extension of time to file answer to complaint, [REDACTED].	0.75	311.25
1/18/2022	GP1	Review California statutes and practice guides [REDACTED], and strategize regarding same.	0.50	207.50
1/18/2022	GWS	Review and analyze draft response [REDACTED].	0.25	150.00
1/18/2022	GWS	Review and analyze [REDACTED].	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
1/18/2022	JJF	Review emails [REDACTED]; conference between J. Flynn and G. Perez	0.25	203.75
1/19/2022	GWS	Review email from Charles Grace [REDACTED]	0.25	150.00
1/19/2022	GWS	Review FPPC letter rejecting Julie Tacker complaint.	0.25	150.00
1/20/2022	AM2	Review and categorize invoices for claim/reimbursement. Attention to internal correspondence with team [REDACTED]	1.25	681.25
1/20/2022	GP1	Prepare for and attend telephonic meet and confer with K. Jorgensen, Deputy District Attorney, and revise case management statement based on meet and confer.	1.25	518.75
1/20/2022	GP1	Review and analyze California case law [REDACTED]	0.50	207.50
1/20/2022	GP1	Review the State of California's case management statement.	0.25	103.75
1/20/2022	GWS	Review and analyze updated [REDACTED]	0.25	150.00
1/20/2022	GWS	Review and analyze Case Management Statement filed by Deputy District Attorney Ken Jorgensen; draft three emails to John Flynn, Amber Maltbie and Gabby Perez [REDACTED]; draft potential revisions to Case Management statement.	2.75	1,650.00
1/20/2022	JJF	Prepare for meet and confer with Deputy District Attorney Jorgensen re case management conference; participate in conference call with G. Perez and Deputy DA Jorgensen.	1.75	1,426.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
1/21/2022	AM2	Finalize analysis of time sheets for indemnification claim.	1.50	817.50
1/21/2022	AM2	Review and comment [REDACTED]	0.25	136.25
1/21/2022	GP1	Strategize [REDACTED], finalize and coordinate [REDACTED].	0.75	311.25
1/21/2022	GP1	Draft, finalize, and oversee filing and service of consent for electronic service form.	0.25	103.75
1/21/2022	GWS	Telephone conference with John Flynn [REDACTED]	0.75	450.00
1/21/2022	GWS	Review and analyze revisions to Case Management Statement.	0.25	150.00
1/21/2022	GWS	Review compilation of data f [REDACTED]	0.25	150.00
1/21/2022	JJF	Conference with G. Perez and G. Sanders [REDACTED]	1.00	815.00
1/24/2022	GWS	Review email/letter [REDACTED].	0.25	150.00
1/25/2022	GP1	Review complaint, including exhibits, and begin drafting [REDACTED]	6.50	2,697.50
1/25/2022	GWS	Draft letter [REDACTED]	0.25	150.00
1/26/2022	AM2	Review prebill f [REDACTED]; organize 3 complaints [REDACTED].	0.50	272.50

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
1/26/2022	GP1	Review complaint, including exhibits, and draft verified answer [REDACTED]	9.75	4,046.25
1/26/2022	GWS	Review email from Amber Maltbie [REDACTED]; respond.	0.25	150.00
1/26/2022	KH1	Download video and audio files [REDACTED]	0.50	162.50
1/27/2022	AM2	Call with G. Perez [REDACTED]	1.50	817.50
1/27/2022	GP1	Review [REDACTED], and revise [REDACTED].	0.75	311.25
1/27/2022	GP1	Conference call with A. Maltbie [REDACTED], e, incorporate same to draft verified answer.	1.25	518.75
1/27/2022	GP1	Review California cases and practice guides [REDACTED], and revise verified answer to include same.	1.75	726.25
1/27/2022	GP1	Review practice guides regarding [REDACTED].	2.25	933.75
1/27/2022	GWS	Review Court order continuing Case Management Conference to May 11, 2022.	0.25	150.00
1/27/2022	GWS	Review final draft answer [REDACTED].	0.75	450.00
1/27/2022	JJF	Review and revise [REDACTED].	0.25	203.75

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
1/28/2022	AM2	Finalize review and comments of civil complaint answer; conference with G. Perez re same.	1.50	817.50
1/28/2022	GP1	Finalize and coordinate service and filing of verified answer, [REDACTED].	3.00	1,245.00
1/28/2022	JJF	Conferences with G. Perez [REDACTED].	0.25	203.75
2/1/2022	AM2	Review board correspondence [REDACTED].	0.25	136.25
2/2/2022	AM2	Finalize indemnification costs analysis; prepare request letter and support materials.	1.00	545.00
2/2/2022	GWS	Review draft transmittal letter to Jeff Minnery [REDACTED].	0.25	150.00
2/2/2022	JJF	Review and analyze email from assistant District Attorney Jorgensen re plans for demurrer to answer; various related internal emails [REDACTED]; conference between G. Sanders and J. Flynn [REDACTED].	0.75	611.25
2/3/2022	AM2	Continued attention to preparing indemnification request.	0.75	408.75
2/3/2022	GP1	Review K. Jorgensen's email requesting meet and confer as to the answer, and [REDACTED].	0.50	207.50
2/3/2022	JJF	Conference call with G. Perez [REDACTED]; related email to K. Jorgensen [REDACTED]; review responses thereto; related internal emails.	0.75	611.25
2/4/2022	AM2	Finalize supporting materials [REDACTED].	0.25	136.25
2/4/2022	GWS	Review and analyze [REDACTED]; draft email to Amber Maltbie.	0.25	150.00
2/4/2022	GWS	Review [REDACTED].	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
2/4/2022	JJF	Prepare for and participate in conference call with Mr. Grace and G. Sanders [REDACTED]; review emails [REDACTED].	0.75	611.25
2/8/2022	GWS	Telephone conference with John Flynn.	0.50	300.00
2/14/2022	AM2	Finalize and transmit indemnification request letter [REDACTED].	0.25	136.25
2/14/2022	GP1	Review emails from K. Jorgensen regarding meeting and conferring as to the verified answer and begin coordinating [REDACTED].	0.25	103.75
2/15/2022	GP1	Review K. Jorgensen's meet and confer email regarding the demurrer to Defendant's answer.	0.25	103.75
2/22/2022	AM2	Attention to email from J. Minnery and emails with C. Grace and G. Sanders [REDACTED].	0.25	136.25
2/28/2022	AM2	Redact invoices [REDACTED].	1.50	817.50
3/1/2022	AM2	Edit and finalize redacted narratives [REDACTED]; call with J. Minnery [REDACTED].	0.25	136.25
3/2/2022	GP1	Review emails from K. Jorgensen regarding extension to file demurrer to Defendant's answer and timing of mandatory settlement conference.	0.25	103.75
3/2/2022	GP1	Review subpoenas to third parties.	0.25	103.75
3/7/2022	GWS	Review email from Charles Grace [REDACTED]; telephone conference with Charles Grace; draft emails [REDACTED]; review voicemail [REDACTED].	0.75	450.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
3/7/2022	JJF	Conference with G. Sanders [REDACTED] [REDACTED].	0.25	203.75
3/8/2022	AM2	Review email [REDACTED] [REDACTED]; listen to FPPC meeting [REDACTED].	0.25	136.25
3/9/2022	GWS	Review email regarding FPPC opinion [REDACTED] [REDACTED].	0.25	150.00
3/9/2022	GWS	Review SSCSD video [REDACTED] [REDACTED].	0.25	150.00
3/15/2022	JJF	Review settlement conference procedures [REDACTED] [REDACTED]; conference call with Clerk of Court; email [REDACTED]; related call [REDACTED].	0.75	611.25
3/17/2022	JJF	Email exchanges with opposing counsel re mandatory settlement conference; conference with S. Davidovicz [REDACTED]; internal emails [REDACTED].	0.50	407.50
3/18/2022	GWS	Telephone conference with John Flynn and Shir Davidovicz [REDACTED].	0.50	300.00
3/21/2022	GWS	Review resume of John Trice for consideration as settlement judge; review additional judicial resumes; consider referral to JAMS; calculate cost of JAMS mediation.	1.25	750.00
3/21/2022	JJF	Telephone calls re availability of retired Judge John Trice for MSC; related emails [REDACTED].	0.50	407.50
3/22/2022	JJF	Continue search for MSC judge.	0.25	203.75
4/1/2022	AM2	Review additional letters [REDACTED] [REDACTED].	0.25	136.25
4/1/2022	JJF	Continue search for MSC judge.	0.25	203.75

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
4/5/2022	AM2	Transmit email [REDACTED]	0.25	136.25
4/11/2022	JJF	Conferences with S. Dadidovicz [REDACTED]; related internal emails.	0.50	407.50
4/11/2022	SD2	Reaching out to Judge LaBarbera's staff [REDACTED]	1.00	435.00
4/12/2022	JJF	Review status of search for MSC Judge.	0.25	203.75
4/13/2022	GWS	Review email [REDACTED]; respond.	0.25	150.00
4/13/2022	JJF	Email exchanges [REDACTED]	0.25	203.75
4/13/2022	SD2	Attempting to get in contact with Judge LaBarbera regarding his availability and ability to sit as an MSC Judge by assignment.	0.25	108.75
4/19/2022	GWS	Review email from John Flynn [REDACTED]; respond.	0.25	150.00
4/19/2022	SD2	Contacting Superior Court staff to confirm whether Judge LaBarbera's availability to sit as an MSC Judge by assignment.	0.25	108.75
4/20/2022	JJF	Email exchanges re mandatory settlement conference [REDACTED]	0.25	203.75
4/26/2022	AM2	Respond to question [REDACTED]	0.25	136.25
4/26/2022	GWS	Draft email to Charles Grace regarding status of matters.	0.25	150.00
4/26/2022	GWS	Review email [REDACTED]; respond.	0.25	150.00
4/18/2022	SDL	Test [REDACTED]	1.00	545.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
5/2/2022	GWS	Review email from Deputy DA Ken Jorgensen regarding scheduling of settlement judge; respond.	0.25	150.00
5/2/2022	JJF	Review emails [REDACTED]; conferences [REDACTED].	0.50	407.50
5/2/2022	SD2	Preparing supplemental Case Management Conference Statement [REDACTED].	2.00	870.00
5/9/2022	JJF	Prepare for case management conference; related emails.	0.25	203.75
5/9/2022	SD2	Reviewing CMC Statements [REDACTED].	0.25	108.75
5/10/2022	JJF	Prepare for 5-11 case management conference.	0.25	203.75
5/11/2022	JJF	Prepare for and appear at case management conference; follow-up conversation [REDACTED].	1.25	1,018.75
5/12/2022	JJF	Conference [REDACTED]; related email exchange with K. Jorgensen, attorney for plaintiff.	0.25	203.75
5/13/2022	JJF	Email exchanges with attorney for plaintiff re dates for voluntary settlement conference.	0.25	203.75
5/17/2022	AM2	Consolidate and review inquiry and response letters [REDACTED].	1.75	953.75
5/17/2022	GWS	Review Amber Maltbie synopsis [REDACTED].	0.25	150.00

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
5/17/2022	JJF	Review email from A. Maltbie [REDACTED].	0.25	203.75
5/18/2022	AM2	Review email exchanges [REDACTED].	0.25	136.25
5/25/2022	AM2	Correspond [REDACTED].	0.25	136.25
5/25/2022	JJF	Review emails [REDACTED].	0.25	203.75
6/1/2022	JJF	Prepare for settlement conference [REDACTED].	0.50	300.00
6/2/2022	JJF	Prepare for 6-6 settlement conference [REDACTED].	0.50	300.00
6/3/2022	JJF	Preparation for 6-6 settlement conference [REDACTED].	1.00	600.00
6/4/2022	JJF	Comprehensive review and analysis [REDACTED]; related emails.	4.75	2,850.00
6/6/2022	AM2	Prepare for, attend, and debrief on settlement conference [REDACTED].	4.50	2,452.50
6/6/2022	GWS	Telephone conference with John Flynn regarding settlement conference with Ken Jorgensen.	0.25	150.00
6/6/2022	JJF	Prepare for and participate in conference call with opposing counsel re settlement; follow-up calls [REDACTED]; outline [REDACTED].	3.25	1,950.00
6/9/2022	GWS	Review and edit [REDACTED].	0.25	150.00
6/9/2022	JJF	Draft, review and revise [REDACTED]; review comment [REDACTED].	1.00	600.00
6/10/2022	AM2	Review and redline [REDACTED].	0.25	136.25

FPPC/SLO County DA Conflict of Interest Investigation

Date	Timekeeper	Description	Hours	Amount
6/10/2022	AM2	Review ██████████ to compare to ██████████.	0.25	136.25
6/10/2022	GWS	Review ██████████ edits to draft ██████████ t ██████████ draft email ██████████.	0.25	150.00
6/15/2022	AM2	Review and redline comments ██████████.	0.25	136.25
6/15/2022	GWS	Final review of ██████████; review proposed revisions ██████████.	0.25	150.00
6/15/2022	JJF	Review, revise and finalize letter ██████████ ██████████.	0.50	300.00
6/16/2022	JJF	Finalize and transmit ██████████ ██████████.	0.50	300.00
6/29/2022	GWS	Review response ██████████ ██████████.	0.25	150.00
6/29/2022	JJF	Review and analyze email ██████████ ██████████; review related internal emails; analyze ██████████.	0.50	300.00
6/30/2022	JJF	Review internal emails ██████████; related email to ██████████.	0.25	150.00

TOTAL

233,787.50