

MEETING MINUTES
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 incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

1. REGULAR SESSION @ 5:02 PM

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

- B. Reportable Action from 3:30 Closed Session: The Board voted to approve indemnification for GES for the cost of legal services in the amount of 85%. Vote was 3/1 with Director Donahue voting No.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment –

(2:50) Julie Tacker commented on the Boards vote to approve indemnification for GES. She further commented on policy decisions that were being made by the Board.

(5:32) April Dury commented about how the Board meetings were laid out on the District's website. She also commented on the GES indemnification item.

(7:20) Henry Krzciuk commented that a member of the public was unable to raise her hand.

(8:02) Karina Tiwana commented that she could not see that hand raise icon in Zoom. She further commented on the GES indemnification item.

3. SPECIAL PRESENTATIONS AND REPORTS: (11:10)

A. STAFF REPORTS:

- i. **Sheriff's Report** – None.
- ii. **CHP Report** – None.
- iii. **Superintendent's Report** (11:36) – Steve Orellana provided a summary of October activities.
- iv. **General Manager's Report** (12:50) – Charlie Grace provided a summary of October activities.
- v. **District Financial Summary** (15:05) – Charlie Grace provided a summary of October financials.
- vi. **District Counsel's Report** (16:43) – Jeff Minnery provided a summary of October activities.
- vii. **Board Member Report** – None.

B. AD-HOC & STANDING COMMITTEE REPORTS: (17:00)

- i. **Status Update** Budget Committee (2 vacancies) – None.

- ii. **Status Update** Water Committee (3 vacancies) – None.
- iii. **Status Update** Camping Ordinance on District Streets – Director Donahue provided a report on this matter stating that the County would address it in February 2023.
- iv. **Status Update** CHRP (WWTP relocation) Dudek Public Outreach (18:29) – Chairperson Kellas provided a report. John Davis from Dudek was present and provided a summary of their work on preparing for the public outreach meeting.

(20:40) Director Donahue read his complaint against the District related to the District's agreement with the Cavalier Inn. He stated that this agreement was illegal.

(25:50) Chairperson Kellas provided a brief summary of the Board's decision to enter into this agreement.

Public Comment –

(27:05) Julie Tacker commented.

(29:30) Charlie Grace provided information related to the Pico Stairs repair.

Public Comment Continued –

(31:35) Karina Tiwana commented.

(33:32) Sherry Brajich commented.

(34:30) April Dury commented.

4. CONSENT AGENDA ITEMS: (35:45)

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.

(35:47) Chairperson Kellas stated that there were two typos that needed to be corrected on the September 20, 2022 meeting minutes. She stated that these updates would be emailed to GES Staff.

Public Comment –

(37:35) Julie Tacker commented.

(39:10) Chris commented.

(43:45) Karina Tiwana commented.

(45:20) Michael Cruz commented.

(47:25) April Dury commented.

(48:17) William Randolph Hearst commented (April Dury).

(48:36) Sherry Brajich commented.

(49:08) A motion was made to approve the consent agenda item with the changes to the September 20, 2022 meeting minutes.

Motion: Chairperson Kellas

2nd: Vice-Chairperson Giacoletti

Vote: 3/1

Roll Call:

Kellas: Yes

Giacoletti: Yes

de la Rosa: Yes

Donahue: No

Business Action Item 6.A. (49:50)

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

Ken Jarrett and Ethan Bell (Stillwater) provided a presentation on the Pico Creek Instream Flow Report.

(1:01:20) There was conversation between Vice-Chairperson Giacoletti, Director de la Rosa, and Ken Jarrett. Ken Jarrett stated that the pumping did not impact the adult migration of Steelhead. There was further discussion about the juvenile Steelhead. There was Board member discussion regarding addendums to the report and additional monitoring tools. Director de la Rosa, Director Donahue, and Vice-Chairperson Giacoletti provided direction to Stillwater on additional items to include in the report.

Public Comment –

(1:18:40) Julie Tacker commented.

(1:20:30) Karina Tiwana commented.

(1:23:00) Ethan Bell and Ken Jarrett responded to the public comments stating that the study occurred during a drought, he provided further information about variables that were taking into the account during the study.

Public Comment continued –

(1:25:00) Michael Hanchett commented.

(1:26:20) Ethan Bell responded to public comment.

Public Comment continued –

(1:27:00) Henry Krzciuk commented.

(1:29:40) David Sansone commented.

(1:31:30) Ethan Bell provided procedural information related to submittal of the report to other government agencies.

The Chairperson asked that Stillwater provide a quote to provide additional services discussed as part of the addendum. The Board agreed with this direction.

5. PUBLIC HEARING: (1:34:07)

- 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.**

Chairperson Kellas introduced this item. Her and Jeff Minnery further discussed this matter. Director de la Rosa and Vice-Chairperson Giacoletti suggested that that would like to see the Stillwater report come back conclusively. There was further discussion about this item and the requests for hardships.

Public Comment –

- (1:43:30) Julie Tacker commented.
- (1:47:35) Michael Cruz commented.
- (1:48:35) Karina Tiwana commented.
- (1:51:30) Sherry Brajcich commented.
- (1:55:00) David Sansone commented.
- (1:59:18) Michael Hanchett commented.

(2:03:28) Chairperson Kellas made a motion 1st for Marcum, 2nd for Seifert, 3rd for Sansone that we issue intent to serve no fees waived based on the Stillwater report, continuing on for Ms. Brajcich that an intent to serve be issued with the caveat that no fees are waived contingent on the Stillwater report based on the water waitlist positions and the actual EDU demand.

Jeff Minnery asked for clarification on the motion.

(2:04:55) A motion was made that Marcum, Seifert, and Sansone be issued a will-serve under the hardship exemption.
2nd: None

(2:06:11) Director Donahue made a motion for Sherry Brajcich. Jeff Minnery asked him to clarify his motion. Director Donahue restated the motion as issuance of will-serve letter to Sherry Brajcich conditional on the Stillwater report.
2nd: Vice-Chairperson Giacoletti (2nd was stated late because she stated she was muted)

(2:08:05) Director Donahue made a motion to allow Sherry Brajcich her water allocation based on the Stillwater report.
2nd: Vice-Chairperson Giacoletti

Motion: Director Donahue
2nd: Vice-Chairperson Giacoletti
Vote: 2/2

Roll Call:
Kellas: No Giacoletti: Yes de la Rosa: No Donahue: Yes

(2:09:15) There was further discussion between the Board related to this item. Jeff Minnery provided direction to the Board related to Ordinance 102 asking that Board provide direction to legal counsel regarding this matter.

6. BUSINESS ACTION ITEMS:

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. (2:13:10)

Chairperson Kellas introduced the item.

Public Comment –

(2:15:10) Julie Tacker commented.

(2:16:48) David Sansone commented.

(2:17:46) A motion was made to approve the direction to staff to pave the portion of San Simeon Road.

Motion: Chairperson Kellas

2nd: Vice-Chairperson Giacoletti

Vote: 4/0

Roll Call:

Kellas: Yes Giacoletti: Yes de la Rosa: Yes Donahue: Yes

C. DISCUSSION, REVIEW AND APPROVAL FOR CHAIRPERSON KELLAS TO RESPOND TO MOUCHAWAR LETTER REGARDING THEIR POSITION AND EDUS ON THE SSCSD WAITLIST. (2:18:25)

Chairperson Kellas introduced the item.

Public Comment –

(2:20:40) Julie Tacker commented.

(2:24:24) Henry Krzciuk commented.

(2:27:45) Michael Hanchett commented.

(2:28:22) Director Donahue made a motion was made to direct Minnery to review this and come up with some recommendations to the Board at the December meeting.

2nd: None

(2:29:18) Chairperson Kellas made that she was at least allowed to write a letter or Minnery can write the letter because Paquette needed a response. She repeated the motion that she would be allowed to write a letter or Counsel could write a letter in saying that the Board was putting this off until December.

Motion: Chairperson Kellas

2nd: Director Donahue

No role call was taken.

(2:29:50) Director de la Rosa asked for clarification on the motion.

(2:29:28) Chairperson Kellas (restated) made a motion that Jeff Minnery send a letter to Paquette stating that the Board was delaying until the December meeting.

Motion: Chairperson Kellas
2nd: Director de la Rosa
Vote: 4/0

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

D. DISCUSSION, REVIEW AND APPROVAL OF GRACE ENVIRONMENTAL OPERATIONS & MANAGEMENT CONTRACT EXTENSION FOR OPERATIONS, MAINTENANCE AND GENERAL MANAGER SERVICES. (2:30:45)

Charlie Grace recused himself stating that he had a business interest in this matter.

Chairperson Kellas introduced the item.

(2:36:50) Michael Donahue commented stating that the he was unhappy with the contract language and that this matter should be revisited in December. There was further discussion about the RFP process between the Chairperson and Director Donahue.

Public Comment –
(2:41:00) Julie Tacker Commented.
(2:44:20) Michael Hanchett commented.
(2:46:38) Albert Barreto commented.
(2:47:10) Henry Krzciuk commented.
(2:50:30) Karina Tiwana commented.

(2:56:05) A motion was made to accept what was accepted at the September 6th Special meeting the first amendment to the amendment restatement of the professional services agreement dated October 12, 2021 and corrected, that we make a motion to accept it.

Motion: Chairperson Kellas
2nd: Vice-Chairperson Giacoletti
Vote: 3/1

Roll Call:
Kellas: Yes Giacoletti: Yes de la Rosa: Yes Donahue: No

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. (2:57:20)

Chairperson Kellas introduced this item. Jeff Minnery stated the Board discuss this in closed session and agreed to pay 85% percent with Director Donahue being the only dissenting vote.

Public Comment –

(2:58:35) Julie Tacker commented.

(3:02:40) Michael Hanchett commented.

(3:04:35) Chairperson Kellas stated that District Counsel received 60 letters of support for Charlie and asking that he be reimbursed for his expenses.

There was not additional action taken on this item.

7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS –

Chairperson Kellas asked that properties with one meter be reviewed and installation of multiple meters be discussed.

8. ADJOURNMENT @ 8:09 PM