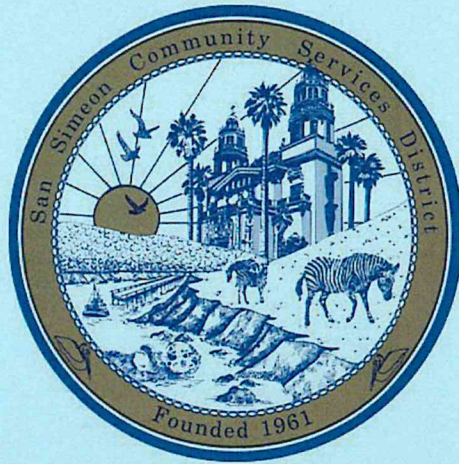


**Board of Directors  
San Simeon Community Services District**



**BOARD PACKET**

**Wednesday, April 11, 2018  
Regular Meeting 6:00 pm**

**Cavalier Banquet Room  
250 San Simeon Avenue  
San Simeon, CA**

Prepared by:



**GRACE**  
ENVIRONMENTAL SERVICES

**AGENDA**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Wednesday, April 11, 2018**  
**6:00 pm**

**CAVALIER BANQUET ROOM**  
**250 San Simeon Avenue**  
**San Simeon, CA 93452**

**1. REGULAR SESSION: 6:00 PM**

A. Roll Call

B. Pledge of Allegiance

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

**Public Comment** - Any member of the public may address and ask questions of 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 March.
- ii. **General Manager's Report** – Summary of March Activities.
- iii. **Superintendent's Report** - Summary of March Activities.
- iv. **District Financial Summary** – Update on Monthly Financial Status.
- v. **District Counsel's Report** – Summary of March activities

**B. BOARD OF DIRECTORS AND COMMITTEE REPORTS:**

**C. SPECIAL PRESENTATION:**

- i. **Acknowledgment Honoring Lori Mather**– For her years of service to the District

**D. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:**

**Public Comment** - This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #3 – Special Presentations and Reports. If a member of the public wishes to speak to this time, Public Comment is limited to three (3) minutes.

**4. CONSENT AGENDA ITEMS:**

**Public Comment** - Members of the public wishing to speak on consent agenda items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak to this time, Public Comment is limited to three (3) minutes.

- A. Review and approval of Minutes for the Regular Meeting on March 14, 2018.
- B. Review and approval of Disbursements Journal.
- C. Review and approval of Minutes for the Special Meeting on February 6, 2018.

**5. BUSINESS ITEMS:**

**Public Comment** - Members of the public wishing to speak on business items may do so when recognized by the Presiding Officer. If a member of the public wishes to speak to this time, Public Comment is limited to three (3) minutes.

- A. Review of the Draft Master Plan.
- B. Consideration of candidates to replace the Board of Director Vacancy created by the Resignation of Ken Patel and Board Appointment of the new Director.
- C. Consideration of introduction of an ordinance regarding abatement of hazardous weeds. -Move Ordinance be read in title only and all further readings be waived.
- D. Consideration of approval for Staff to enter into a Sponsor Agreement with the California Conservation Corps.
- E. Discussion and Direction to Staff regarding the amended Policies and Procedures Manual (Board of Directors and Board Meeting sections) for the District.

**6. 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).

**7. 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 District 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. ii GENERAL MANAGER'S REPORT**  
**Charles Grace**  
**Update for March 2018**



## GENERAL MANAGER'S REPORT

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### Item 3.A.ii

#### 1. **Staff Activity** – Report on Staff activities for the month of March.

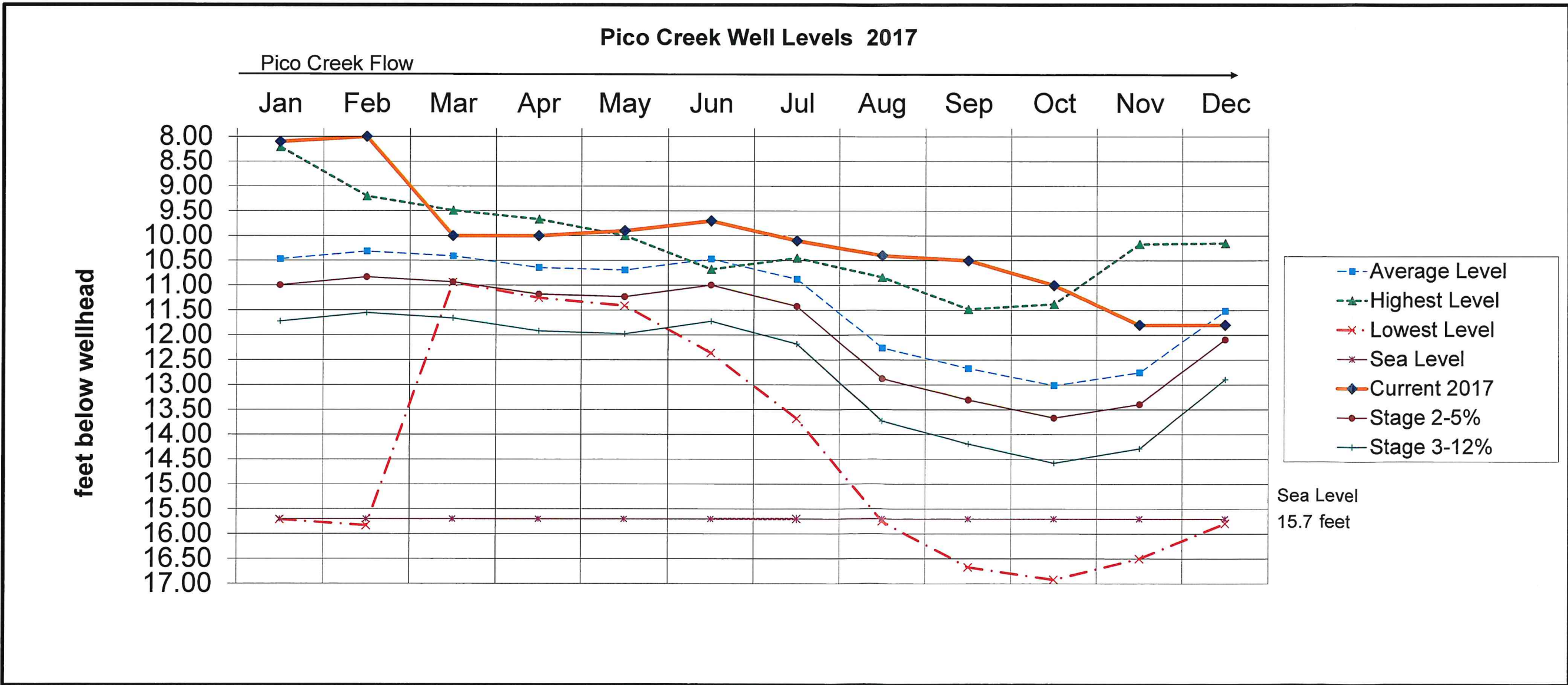
Regular day to day activities performed by District staff include: Monday-Thursday office hours, processing of utility payments, customer service duties, answering phone calls, mailing of regular monthly utility bills, along with the preparation and distribution of the Agenda and Board packet.

During the month of March, staff also attended to the following items:

- Responded to 3 public records requests.
  - Gathered information and conducted research for the Reservoir Project.
  - Continued working with Phoenix Engineering on the Master Plan.
  - Gathered bids and project information needed to submit the application for the Active Transportation Grant.
  - Staff prepared the invoices for the Hearst/State of California 1<sup>st</sup> quarter billing.
  - Staff began preparing the necessary items for the weed abatement ordinance adoption process.
2. **FEMA Grant for Water Filtration System**– Staff received the final project determination from FEMA on March 28, 2018. Under section 406 of the Stafford Act FEMA is authorized to provide financial assistance to States and Local governments that meet certain criteria under their guidelines. FEMA determined that the need for the installation of the filter was not a direct result of any damages incurred during the storms. This means that the project application was denied.
3. **Coastal Commission Rip Rap CDP** – The Coastal Commission Staff postponed the March 7 permit hearing to provide time for the Commission's Executive Director to review and meet with SSCSD staff / representatives.
4. **Additional Information** – Staff will continue following up on the status of the pedestrian survey with Caltrans.

**Aquifer Water level Depth to Groundwater**

Month	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Avg	5%	12%	High	Low	Sea Lvl	Month
Jan	10.15	9.55	10.65	10.5	9.8	10.1	10.5	10.27	10.1	11.5	9.8	10.4	10.6	11.2	14.7	10.2	10	8.1	10.8	10.47	10.99	11.73	8.21	15.71	15.7	Jan
Feb	9.2	10.95	10.55	10.58	9	9	10.51	10.1	10.1	10.4	10.1	10.7	11	11.1	13.4	10.4	10.6	8	10.3	10.32	10.83	11.55	9.2	15.83	15.7	Feb
Mar	10.5	10.55	10.42	10.61	9.6	10.7	10.26	10.5	10.71	10.6	10.4	9.6	11.1	11.2	10.7	10.7	10	10	9.7	10.41	10.93	11.66	9.49	10.94	15.7	Mar
Apr	10.7	10.8	10.51	10.61	9.5	11.75	9.94	10.69	10.9	10.8	10.6	10.6	11.2	11.3	10.6	10.5	10.6	10		10.64	11.18	11.92	9.67	11.25	15.7	Apr
May	10.7	11.2	10.85	10.91	9.8	10.8	10.54	10.84	10.75	10.8	10.7	10.8	11.4	11.3	10.5	10.1	10.6	9.9		10.69	11.23	11.98	10	11.41	15.7	May
Jun	11.35	11.2	11.75	11.75	10.8	0	10.93	11.92	11.25	11	10.8	10.8	11.2	11.3	11.4	10.6	10.7	9.7		10.47	10.99	11.73	10.68	12.36	15.7	Jun
Jul	11	12.3	12.05	11.5	11.1	0	10.79	12.35	11.7	11.7	11.6	11	11.3	12.4	12.7	11.1	11.1	10.1		10.88	11.42	12.18	10.45	13.68	15.7	Jul
Aug	11.8	13.1	13.6	11.5		12.67	11.04	13.66	12.5	12.5	11.88	10.5	12	13.4	14	12	11.9	10.4		12.26	12.87	13.73	10.84	15.75	15.7	Aug
Sep	12.83	14	14.2	12		11.62	11.52	14.55	13.3	13.4	11.5	10.7	12.6	14.2	12.7	12.9	12.9	10.5		12.67	13.31	14.19	11.48	16.67	15.7	Sep
Oct	11.4	12.8	14.77	13.8		12.32	11.78	15.3	14.4	12.5	12.2	10.7	13.2	14.9	13	13.6	13.6	11		13.02	13.67	14.58	11.38	16.92	15.7	Oct
Nov	11.23	10.8	11.2	13.7		12.47	11.79	15.7	14	10.8	12.5	10.7	13.9	15.2	13.7	13.7	13.7	11.8		12.76	13.40	14.29	10.17	16.5	15.7	Nov
Dec	11.42	10.25	10.9			11.34	11.42	13.6	12.8	10.7	10.2	10.8	11	15.5	10.5	11.4	10.6	11.8		11.51	12.09	12.90	10.15	15.79	15.7	Dec



**3. A. iii. SUPERINTENDENT'S REPORT**  
**Jerry Copeland**  
**Facilities Update for March 2018**



## SUPERINTENDENT'S REPORT

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### Item 3.A.iii

Prepared by: Jerry Copeland

#### **1. Wastewater Treatment Plant**

- All sampling, testing and reporting at the Wastewater Treatment Plant and the Recycled Water Facility was performed as required by the RWQCB.
- The annual WWTP ocean outfall inspection was completed. An integrity test was performed as well. At the time this report was written there were no results reported from the contractor.
- A new Equalization Basin Influent flow meter was replaced after the old one failed.

#### **2. Water Distribution System**

- All routine sampling and testing was performed. The monthly report was submitted to the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW), including additional reporting required with filter operation.
- On March 2nd Pico Creek began to flow. This has been designated as a trigger by the DDW to begin running the HARMSCO filter. Staff began operation and continues to operate the filter daily. During operation the filter differential pressure reached the maximum recommended level and the cartridges were then replaced.
- Monthly repickling of the R.O. unit was performed.
- Monthly water meter reading was performed.

#### **3. District and Equipment Maintenance**

- Staff continues with all of the scheduled preventive maintenance for all the equipment at the facilities. We are recording all of these activities.





**San Simeon Community Services District Superintendent's Report March 2018**

**MONTHLY DATA REPORT**

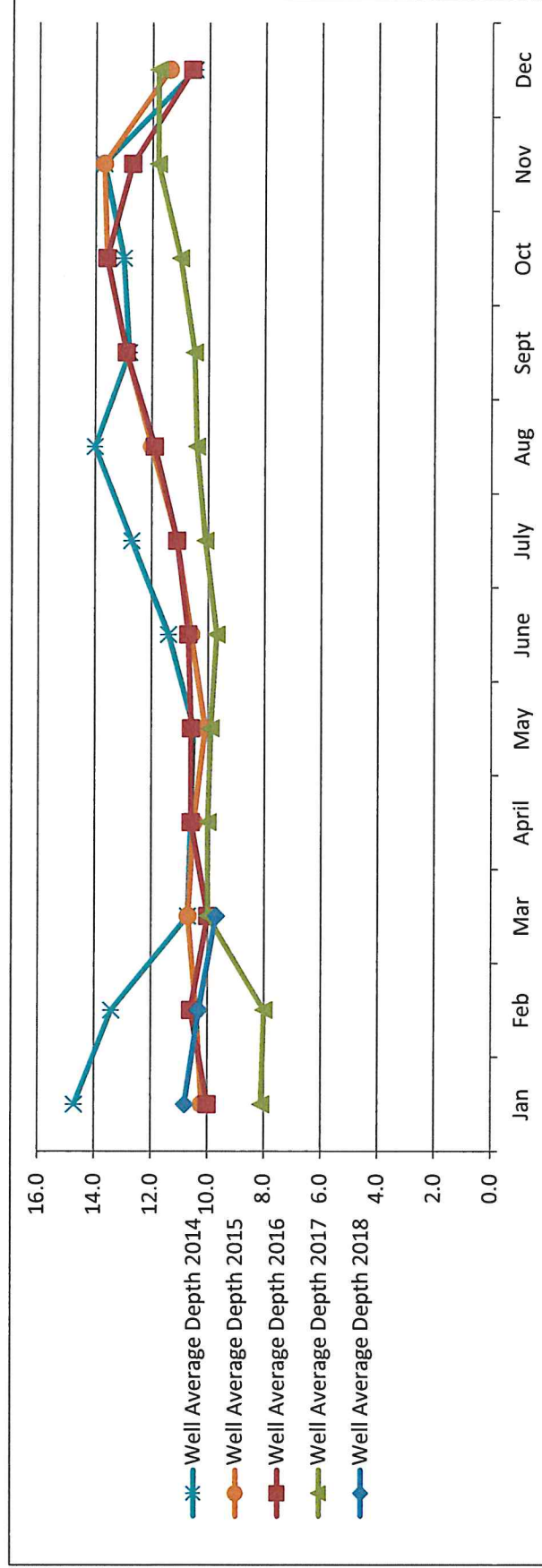
Date	Day	Wastewater Influent Daily Flow	Wastewater Effluent Daily Flow	Well 1 Total Daily Produced	Well 2 Total Daily Produced	Total Daily Water Produced	R.O. Daily Influent Flow	R.O. Daily Effluent Flow	R.O. Daily Brine Flow	Distribution Chloride	Chloride Wells 1	Chloride Wells 2	Recycled Water Distributed	Water Level Well 1	Water Level Well 2	Rainfall in Inches	State Influent Daily Flow
03/01/18	Thu	77,434	80,210	4,338	0	4,338	0	0	0	-	-	-	0	10.3	10.7	1.57	8,324
03/02/18	Fri	72,269	74,370	6,433	55,502	61,934	0	0	0	-	-	-	0	9.1	9.4	0.04	12,448
03/03/18	Sat	63,956	68,130	0	49,667	49,667	0	0	0	-	-	-	0	9.5	9.9	0.04	6,857
03/04/18	Sun	54,498	57,250	0	50,640	50,640	0	0	0	-	-	-	0	9.8	10.1	0.00	11,052
03/05/18	Mon	57,567	58,950	0	43,160	43,160	5761	3713	2048	-	-	-	0	9.9	10.3	0.00	11,201
03/06/18	Tue	44,877	48,220	15,259	28,499	43,758	0	0	0	-	-	-	0	10.0	10.4	0.00	3,828
03/07/18	Wed	45,137	49,760	0	41,813	41,813	0	0	0	-	-	-	0	10.0	10.4	0.00	7,507
03/08/18	Thu	49,149	52,080	0	47,648	47,648	0	0	0	-	-	-	0	10.1	10.4	0.00	7,250
03/09/18	Fri	48,695	50,700	0	48,096	48,096	0	0	0	-	-	-	0	10.1	10.5	0.04	6,747
03/10/18	Sat	71,472	72,530	0	47,872	47,872	0	0	0	-	-	-	0	10.1	10.5	0.32	7,977
03/11/18	Sun	71,049	72,990	0	63,430	63,430	0	0	0	-	-	-	0	10.1	10.5	0.04	10,044
03/12/18	Mon	79,742	77,680	0	44,431	44,431	0	0	0	-	-	-	0	10.1	10.5	0.40	9,983
03/13/18	Tue	112,181	106,710	0	46,226	46,226	0	0	0	-	-	-	0	10.0	10.5	0.67	12,033
03/14/18	Wed	68,630	70,130	673	43,833	44,506	0	0	0	32	<32	-	0	8.9	9.3	0.00	17,115
03/15/18	Thu	63,489	66,490	150	40,841	40,990	0	0	0	-	-	-	0	9.5	9.9	0.04	12,265
03/16/18	Fri	90,211	86,610	8,602	37,026	45,628	0	0	0	-	-	-	0	9.8	10.3	0.39	10,825
03/17/18	Sat	87,438	88,200	0	62,234	62,234	0	0	0	-	-	-	0	9.4	9.7	0.08	12,070
03/18/18	Sun	70,257	70,900	0	51,238	51,238	0	0	0	-	-	-	0	9.7	10.0	0.00	13,391
03/19/18	Mon	76,747	75,520	0	62,757	62,757	0	0	0	-	-	-	0	9.9	10.3	0.00	9,746
03/20/18	Tue	80,671	78,880	0	47,199	47,199	0	0	0	-	-	-	0	10.0	10.5	0.39	8,137
03/21/18	Wed	289,473	314,090	0	45,404	45,404	0	0	0	-	-	-	0	9.9	10.4	2.29	21,229
03/22/18	Thu	172,065	177,970	0	42,187	42,187	0	0	0	-	-	-	0	4.5	4.9	1.30	54,788
03/23/18	Fri	89,728	91,700	0	50,266	50,266	0	0	0	-	-	-	0	6.9	7.3	0.00	28,469
03/24/18	Sat	110,222	109,690	0	61,261	61,261	0	0	0	-	-	-	0	8.6	9.0	0.00	13,898
03/25/18	Sun	108,184	107,110	0	81,158	81,158	0	0	0	-	-	-	0	9.2	9.6	0.00	17,390
03/26/18	Mon	96,698	95,060	4,638	52,360	56,998	0	0	0	-	-	-	0	9.5	9.9	0.00	14,798
03/27/18	Tue	83,325	83,900	0	67,470	67,470	0	0	0	-	-	-	0	9.7	10.0	0.00	16,217
03/28/18	Wed	106,766	105,470	598	76,745	77,343	0	0	0	<32	<32	-	0	9.8	10.2	0.00	17,325
03/29/18	Thu	105,226	102,570	0	68,891	68,891	0	0	0	-	-	-	0	9.9	10.3	0.00	17,808
03/30/18	Fri	101,581	99,540	0	77,867	77,867	0	0	0	-	-	-	0	9.9	10.3	0.00	15,137
03/31/18	Sat	103,402	103,050	0	100,681	100,681	0	0	0	-	-	-	0	9.9	10.3	0.00	15,452
<b>TOTALS</b>		<b>2,752,139</b>	<b>2,796,460</b>	<b>40,691</b>	<b>1,636,400</b>	<b>1,677,091</b>	<b>5761</b>	<b>3713</b>	<b>2048</b>				<b>0</b>			<b>7.61</b>	<b>431,311</b>
Average		88,779	90,208	1,313	52,787	54,100	186	120	66	0	32	32	0	9.5	9.9	0.25	13,913
Minimum		44,877	48,220	0	0	4,338	0	0	0	0	32	32	0	4.5	4.9	0.00	3,828
Maximum		289,473	314,090	15,259	100,681	100,681	5761	3713	2048	0	32	32	0	10.3	10.7	2.29	54,788

**San Simeon Community Services District**

**Superintendent's Report**

**March 2018**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Well Average Depth 2014</b>	14.7	13.4	10.7	10.6	10.5	11.4	12.7	14.0	12.8	13.0	13.7	10.5
<b>Well Average Depth 2015</b>	10.2	10.4	10.7	10.5	10.1	10.6	11.1	12.0	12.9	13.6	13.7	11.4
<b>Well Average Depth 2016</b>	10.0	10.6	10.0	10.6	10.6	10.7	11.1	11.9	12.9	13.6	12.7	10.6
<b>Well Average Depth 2017</b>	8.1	8.0	10.0	10.0	9.9	9.7	10.1	10.4	10.5	11.0	11.8	11.8
<b>Well Average Depth 2018</b>	10.8	10.3	9.7									



**3. A. iv DISTRICT FINANCIALS**  
**Cortney Murguia**  
**March 31, 2018**

**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Balance Sheet**  
**As of March 31, 2018**

	Mar 31, 18
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
1010 · Petty cash	150.00
1015 · Pacific Prem - General Checking	58,409.26
1016 · Pacific Premier-Wellhead	6.34
1017 · Pacific Premier-Money Market	871,674.69
1022 · USDA checking	234.05
1040 · Cash in county treasury	108.33
1050 · LAIF - non-restricted cash	529.00
<b>Total Checking/Savings</b>	<b>931,111.67</b>
Other Current Assets	
1014 · *Deposits in Transit	1,431.35
1200 · Accounts receivable	57,309.35
1220 · AVR - Hearst Castle	43,456.80
1300 · Prepaid expenses	2,320.53
<b>Total Other Current Assets</b>	<b>104,518.03</b>
<b>Total Current Assets</b>	<b>1,035,629.70</b>
Fixed Assets	
1400 · Fixed assets	
1420 · Building and structures	395,874.73
1500 · Equipment	316,747.53
1540 · Major water projects	190,554.98
1560 · Pipe bridge	28,075.58
1580 · Sewer plant	1,488,555.08
1600 · Water system	550,390.00
1620 · WWTP expansion	299,565.92
1630 · Tertiary Project	262,932.67
1640 · Wellhead Rehab Project	450,827.53
1650 · Walkway access projects	21,511.00
1660 · RO Unit	931,966.97
1670 · Reservoir	38,510.50
1680 · Generator	29,101.14
<b>Total 1400 · Fixed assets</b>	<b>5,004,613.63</b>
1690 · Accumulated depreciation	(2,262,738.96)
<b>Total Fixed Assets</b>	<b>2,741,874.67</b>
<b>TOTAL ASSETS</b>	<b>3,777,504.37</b>

Mar 31, 18

LIABILITIES & EQUITY	
Liabilities	
Current Liabilities	
Other Current Liabilities	336.60
2100 · Payroll liabilities	9,450.00
2500 · Customer security deposits	45,750.00
2510 · Connect hookup wait list	406,895.00
2520 · USDA Loan	
Total Other Current Liabilities	462,431.60
Total Current Liabilities	462,431.60
Total Liabilities	462,431.60
Equity	
3200 · Fund balance	2,933,212.38
3900 · Suspense	24,845.66
Net Income	357,014.73
Total Equity	3,315,072.77
TOTAL LIABILITIES & EQUITY	3,777,504.37

**SAN SIMEON COMMUNITY SERVICES DISTRICT**



**4C. FINANCIAL SUMMARY**

**BILLING**  
**March 31, 2018**

<b>February Billing Revenue</b>	<b>\$ 61,177.88</b>
<b>March Billing Revenue</b>	<b>\$ 42,891.73</b>
Past Due (31 to 60 days)	\$ 178.48
Past Due (60 days)	\$ 245.88

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**ENDING BANK BALANCES**  
**March 31, 2018**

**RABOBANK SUMMARY:**

**Well Rehab Project/USDA Checking Account** **\$ 49.00**

**HERITAGE OAKS BANK:**

**Money Marketing Account Closing Balance February 28, 2018** **\$ 881,785.02**  
**Interest for March 2018** **\$ 259.67**

**Transfer to General Checking USDA Loan Payment** **\$ 10,345.00**  
**Wire Fee for USDA Loan Payment** **\$ 25.00**

**Money Marketing Account Closing Balance March 31, 2018** **\$ 871,674.69**

Reserve Fund (\$ 250,000.00)  
Wait-list Deposits (\$ 45,750.00)  
Customer Deposits (\$ 9,450.00)  
**Available Funds** **\$ 576,585.02**

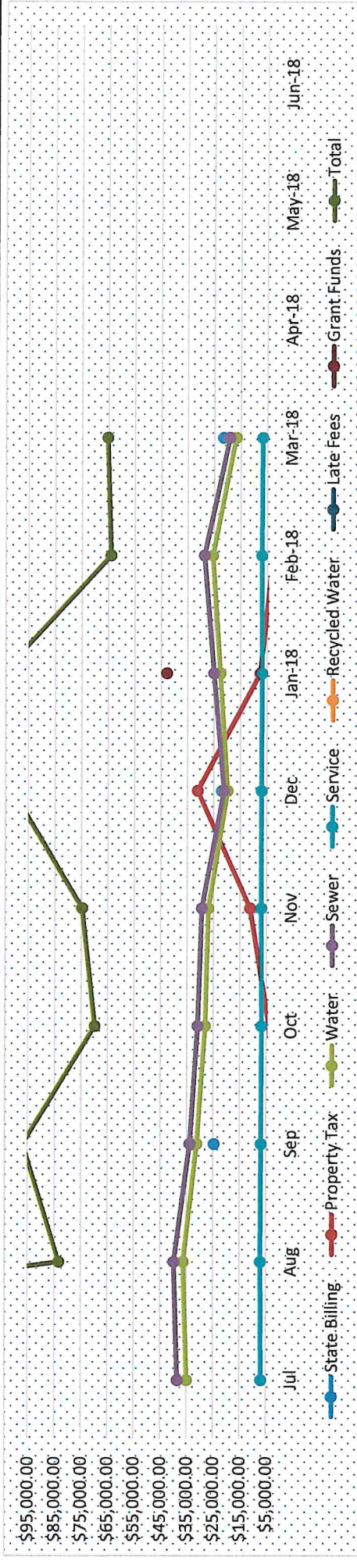
**General Checking Account March 31, 2018** **\$ 65,208.61**

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**LAIF Closing Balance March 31, 2018** **\$ 529.00**

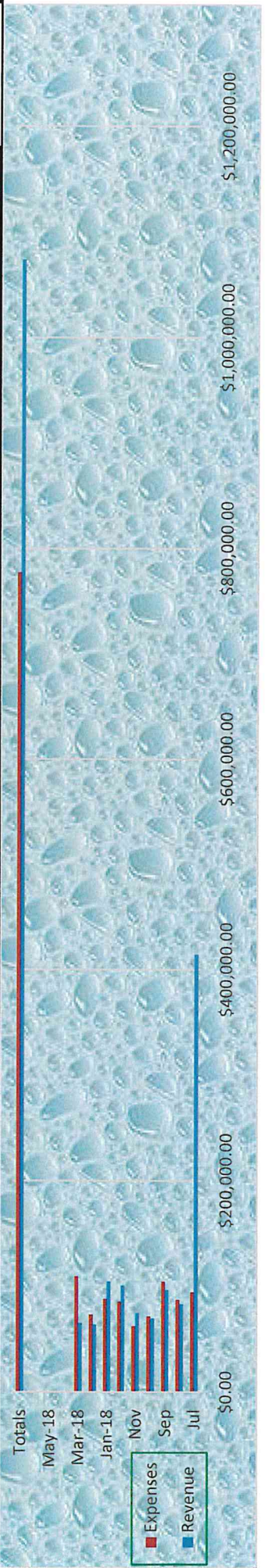
### DISTRICT REVENUE FY 2017/2018

	Jul	Aug	Sep	Oct	Nov	Dec	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Totals
<b>State Billing</b>			\$24,606.31			\$21,914.14			\$21,542.66				\$68,063.11
<b>Property Tax</b>	\$1,282.43	\$0.00	\$121.78	\$3,983.38	\$11,222.22	\$31,099.09	\$7,506.90	\$2,750.02	\$640.94				\$58,606.76
<b>Water</b>	\$34,880.43	\$36,192.33	\$31,137.52	\$27,999.25	\$26,930.07	\$19,762.53	\$22,551.64	\$25,457.70	\$16,741.07				\$241,652.54
<b>Sewer</b>	\$38,495.46	\$39,770.86	\$33,836.96	\$30,919.58	\$29,421.68	\$21,164.32	\$25,021.12	\$28,652.26	\$19,108.33				\$266,390.57
<b>Service</b>	\$6,820.12	\$6,950.95	\$6,821.63	\$6,659.98	\$6,886.29	\$6,886.29	\$6,789.30	\$6,853.96	\$6,724.64				\$61,393.16
<b>Recycled Water</b>	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				\$0.00
<b>Late Fees</b>	\$628.24	\$379.06	\$292.61	\$241.85	\$221.14	\$159.01	\$113.69	\$197.92	\$487.09				\$2,720.61
<b>Grant Funds</b>	\$332,310.87						\$42,858.00						\$375,168.87
<b>Total</b>	\$414,417.55	\$83,293.20	\$96,816.81	\$69,804.04	\$74,681.40	\$100,985.38	\$104,840.65	\$63,911.86	\$65,244.73				\$1,073,995.62
Water Sold Cu Ft	299369	310960	266284	241692	232942	169355	194345	217741	144425				2077113
Water Sold Acre ft	6.87	7.14	6.11	5.55	5.35	3.89	4.46	5.00	3.32				47.68



### REVENUE VS EXPENSES

	Jul	Aug	Sep	Oct	Nov	Dec	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Totals
<b>Revenue</b>	\$414,417.55	\$83,293.20	\$96,816.81	\$69,804.04	\$74,681.40	\$100,985.38	\$104,840.65	\$63,911.86	\$65,244.73				\$1,073,995.62
<b>Expenses</b>	\$94,660.34	\$87,503.06	\$104,489.98	\$71,763.52	\$62,490.35	\$85,613.60	\$88,196.48	\$73,251.65	\$109,510.66				\$777,479.64
<b>Balance</b>	\$319,757.21	(\$4,209.86)	(\$7,673.17)	(\$1,959.48)	\$12,191.05	\$15,371.78	\$16,644.17	(\$9,339.79)	(\$44,265.93)				\$296,515.98





**SAN SIMEON COMMUNITY SERVICES  
HISTORICAL FISCAL REVIEW**

Month	<b>2014 / 2015</b>												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$9,972.00			\$6,480.49			\$7,042.78			\$8,943.33	\$32,438.60
Property Tax	\$1,749.86		\$170.96	\$4,304.07	\$6,305.04	\$30,755.69	\$1,698.01	\$680.91	\$4,730.41	\$20,998.75	\$444.16	\$624.12	\$72,461.98
Water	\$34,524.91	\$30,347.28	\$26,979.15	\$24,551.71	\$23,063.39	\$16,542.19	\$24,980.71	\$22,031.38	\$23,713.28	\$29,614.92	\$25,535.77	\$26,568.29	\$308,452.98
Sewer	\$41,554.68	\$36,609.57	\$32,364.61	\$29,124.18	\$27,266.32	\$19,555.31	\$29,619.69	\$25,800.68	\$27,563.38	\$35,077.17	\$30,393.05	\$31,702.68	\$366,631.32
Service	\$5,773.50	\$5,747.70	\$5,747.70	\$5,747.70	\$5,775.07	\$5,747.70	\$5,775.07	\$5,747.70	\$5,747.70	\$5,747.70	\$5,802.44	\$5,747.70	\$69,107.68
Late Fees	\$123.97	\$44.80	\$94.76	\$153.10	\$221.66	\$168.17	\$78.17	\$106.62	\$194.28	\$19.45	\$192.34	\$47.19	\$1,444.51
<b>Total Revenue</b>	<b>\$83,726.92</b>	<b>\$72,749.35</b>	<b>\$75,329.18</b>	<b>\$63,880.76</b>	<b>\$62,631.48</b>	<b>\$79,249.55</b>	<b>\$62,151.65</b>	<b>\$54,367.29</b>	<b>\$69,166.14</b>	<b>\$91,457.99</b>	<b>\$62,367.76</b>	<b>\$74,431.29</b>	<b>\$851,509.36</b>
<b>Total Expense</b>	<b>\$58,555.68</b>	<b>\$53,848.94</b>	<b>\$56,471.91</b>	<b>\$67,511.62</b>	<b>\$68,584.98</b>	<b>\$63,061.56</b>	<b>\$68,239.78</b>	<b>\$75,948.43</b>	<b>\$67,780.30</b>	<b>\$71,023.34</b>	<b>\$70,022.86</b>	<b>\$70,473.36</b>	<b>\$791,522.76</b>
Water Sold Cu Ft	352622	309962	275523	250905	235552	169443	255324	224325	240675	300989	260697	306222	3,182,239
Water Sold Acre ft	8.10	7.12	6.33	5.76	5.41	3.89	5.86	5.15	5.53	6.91	5.98	7.03	73.05

Month	<b>2015 / 2016</b>												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$7,200.02			\$8,584.90			\$11,992.94			\$10,529.30	\$38,307.16
Property Tax	\$1,299.10	\$78.29	\$89.78	\$6,473.88	\$5,162.73	\$31,035.95	\$732.82	\$3,907.74	\$4,380.61	\$20,311.05	\$670.65	\$812.49	\$74,955.09
Water	\$32,179.33	\$35,048.63	\$31,023.24	\$30,062.47	\$23,260.87	\$19,903.42	\$28,833.61	\$24,410.65	\$22,300.83	\$24,943.58	\$27,395.80	\$29,375.50	\$328,737.93
Sewer	\$38,340.31	\$41,800.72	\$36,517.90	\$35,482.63	\$27,568.63	\$23,716.44	\$33,983.50	\$28,929.28	\$26,405.46	\$29,496.09	\$31,742.13	\$34,065.24	\$388,048.33
Service	\$6,052.80	\$6,081.90	\$6,111.00	\$6,111.00	\$6,111.00	\$6,111.00	\$6,169.20	\$6,111.00	\$6,140.10	\$6,140.10	\$6,111.00	\$6,111.00	\$73,361.10
Recycled Water			\$1,359.75			\$854.07							\$2,213.82
Late Fees	\$118.83	\$71.20	\$72.27	\$239.83	\$386.63	\$99.38	\$153.29	\$138.82	\$86.36	\$485.53	\$657.24	\$418.39	\$2,927.77
<b>Total Revenue</b>	<b>\$77,990.37</b>	<b>\$83,080.74</b>	<b>\$82,373.96</b>	<b>\$78,369.81</b>	<b>\$62,489.86</b>	<b>\$90,305.16</b>	<b>\$69,872.42</b>	<b>\$63,497.49</b>	<b>\$71,306.30</b>	<b>\$81,376.35</b>	<b>\$66,576.82</b>	<b>\$81,311.92</b>	<b>\$908,551.20</b>
<b>Total Expense</b>	<b>\$56,735.48</b>	<b>\$60,703.14</b>	<b>\$62,573.67</b>	<b>\$62,460.00</b>	<b>\$90,307.21</b>	<b>\$78,261.91</b>	<b>\$62,999.58</b>	<b>\$69,646.10</b>	<b>\$68,440.42</b>	<b>\$78,744.51</b>	<b>\$62,608.05</b>	<b>\$60,034.80</b>	<b>\$833,514.87</b>
Water Sold Cu Ft	311247	338869	297896	288860	223460	191579	276707	234583	213757	239168	260907	278453	3,155,486
Water Sold Acre ft	7.15	7.78	6.84	6.63	5.13	4.40	6.35	5.39	4.91	5.49	5.99	6.39	72.44

Month	<b>2016 / 2017</b>												
	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$12,485.00			\$13,996.07			\$29,440.40			\$23,960.29	\$79,881.76
Property Tax	\$1,161.69		\$1,184.42	\$6,789.01	\$6,970.82	\$28,878.98	\$2,456.74	\$2,966.66	\$2,421.97	\$23,540.38	\$415.92	\$1,111.78	\$77,898.37
Water	\$36,292.1	\$36,746.52	\$31,241.74	\$29,953.03	\$22,549.49	\$19,445.8	\$25,600.5	\$22,112.36	\$19,816.90	\$27,563.35	\$27,763.55	\$31,331.40	\$330,416.71
Sewer	\$41,862.8	\$43,190.60	\$36,386.89	\$35,106.74	\$25,574.57	\$21,817.9	\$29,037.7	\$24,590.36	\$22,440.87	\$31,022.32	\$31,228.75	\$34,851.59	\$377,111.12
Service	\$6,559.5	\$6,472.20	\$6,472.20	\$6,472.20	\$6,626.30	\$6,533.8	\$6,503.0	\$6,503.02	\$6,503.02	\$6,503.02	\$6,564.66	\$6,626.30	\$78,339.28
Recycled Water						\$216.4							\$216.35
Late Fees	\$485.7	\$97.52	\$595.71	\$316.72	\$353.70	\$1,587.7	\$366.8	\$1,387.73	\$735.52	\$202.87	\$187.94	\$804.03	\$7,121.95
<b>Total Revenue</b>	<b>\$86,361.78</b>	<b>\$86,506.84</b>	<b>\$88,365.96</b>	<b>\$78,637.70</b>	<b>\$62,074.88</b>	<b>\$92,476.61</b>	<b>\$63,964.81</b>	<b>\$57,560.13</b>	<b>\$81,358.68</b>	<b>\$88,831.94</b>	<b>\$66,160.82</b>	<b>\$98,685.39</b>	<b>\$950,985.54</b>
<b>Total Expense</b>	<b>\$127,105.89</b>	<b>\$72,035.48</b>	<b>\$114,268.09</b>	<b>\$71,273.31</b>	<b>\$75,340.87</b>	<b>\$66,017.87</b>	<b>\$71,441.43</b>	<b>\$72,822.48</b>	<b>\$152,049.21</b>	<b>\$62,994.78</b>	<b>\$77,525.44</b>	<b>\$71,657.28</b>	<b>\$1,034,532.13</b>
Water Sold Cu Ft	324654	324654	281207	269907	203338	175391	232048	200704	179990	249876	249279	282352	2,973,400
Water Sold Acre ft	7.45	7.45	6.46	6.20	4.67	4.03	5.33	4.61	4.13	5.74	5.72	6.48	68.26

## **4. CONSENT AGENDA**

- A. Review & Approval of Minutes for the Regular Meeting  
–April 11, 2018.**

**MINUTES**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Wednesday, April 11, 2018**  
**6:00 pm**

**CAVALIER BANQUET ROOM**  
**250 San Simeon Avenue**  
**San Simeon, CA 93452**

**1. REGULAR SESSION @ 6:00 PM**

**A. Roll Call**

Chairperson Williams – Present	General Manager, Charles Grace
Vice-Chairperson McGuire – Present	District Counsel, Natalie Frye Laacke
Director Russell – Present	
Director Kellas – Present	

**B. Pledge of Allegiance**

**2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:**

Larry McGuire asked that the Board remember to speak loudly so that the public can hear them.

Julia Stanert commented about the sidewalks in the community and stated that she had been in contact with both the North Coast Advisory Council (NCAC) and Supervisor's Gibson's office.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. STAFF REPORTS:**

**i. Sheriff's Report – Report for March**

Sergeant Doug Scott presented the report. For the dates of March 15 – April 10 there were 12 calls for service in the community.

**ii. General Manager's Report –**

**Staff Activity – Report on Staff activities for the month of March.**

Regular day-to-day activities performed by District staff include:

Monday-Thursday office hours, processing of utility payments, customer service duties, answering phone calls, mailing of regular monthly utility bills, along with the preparation and distribution of the Agenda and Board packet.

During the month of March, staff also attended to the following items:

- Responded to 3 public records requests.
- Gathered information and conducted research for the Reservoir Project.
- Continued working with Phoenix Engineering on the Master Plan.
- Gathered bids and project information needed to submit the application for the Active Transportation Grant.
- Staff prepared the invoices for the Hearst/State of California 1<sup>st</sup> quarter billing.
- Staff began preparing the necessary items for the weed abatement ordinance adoption process.

**FEMA Grant for Water Filtration System**– Staff received the final project determination from FEMA on March 28, 2018. Under section 406 of the Stafford Act, FEMA is authorized to provide financial assistance to States and Local governments that meet certain criteria under their guidelines. FEMA determined that the need for the installation of the filter was not a direct result of any damages incurred during the storms. This means that the project application was denied.

**Coastal Commission Rip Rap CDP** – The Coastal Commission Staff postponed the March 7 permit hearing to provide time for the Commission’s Executive Director to review and meet with SSCSD staff/representatives.

**Additional Information** – Staff will continue following up on the status of the pedestrian survey with Caltrans.

iii. **Superintendent’s Report –  
Wastewater Treatment Plant**

- All sampling, testing, and reporting at the Wastewater Treatment Plant and the Recycled Water Facility was performed as required by the RWQCB.
- The annual WWTP ocean outfall inspection was completed. An integrity test was performed as well. At the time this report was written there were no results reported from the contractor.
- A new Equalization Basin Influent flow meter was replaced after the old one failed.

**Water Distribution System**

- All routine sampling and testing was performed. The monthly report was submitted to the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW), including additional reporting required with filter operation.
- On March 2<sup>nd</sup>, Pico Creek began to flow. This has been designated as a trigger by the DDW to begin running the HARMSCO filter. Staff began operation and continues to operate the filter daily. During operation, the filter differential pressure reached the maximum recommended level and the cartridges were then replaced.
- Monthly repickling of the R.O. unit was performed.
- Monthly water meter reading was performed.

**District and Equipment Maintenance**

- Staff continues with all of the scheduled preventive maintenance for all the equipment at the facilities. We are recording all of these activities.

Charlie Grace remarked on comments he received from the Division of Drinking Water (DDW) stating that the DDW was very impressed with plant operations.

iv. **District Financial Summary –**

<b>February Billing Revenue</b>	<b>\$ 61,177.88</b>
<b>March Billing Revenue</b>	<b>\$ 42,891.73</b>
Past Due (31 to 60 days)	\$ 178.48
Past Due (60 days)	\$ 245.88

**ENDING BANK BALANCES**

**March 31, 2018**

**RABOBANK SUMMARY:**

**Well Rehab Project/USDA Checking Account** \$ **49.00**

**HERITAGE OAKS BANK:**

**Money Marketing Account Closing Balance February 28, 2018** \$ **881,785.02**

**Interest for March 2018** \$ **259.67**

**Transfer to General Checking USDA Loan Payment** \$ **10,345.00**

**Wire Fee for USDA Loan Payment** \$ **25.00**

**Money Marketing Account Closing Balance March 31, 2018** \$ **871,674.69**

Reserve Fund (\$ 250,000.00)

Wait-list Deposits (\$ 45,750.00)

Customer Deposits (\$ 9,450.00)

**Available Funds** \$ **576,585.02**

**General Checking Account March 31, 2018** \$ **65,208.61**

**LAIF Closing Balance March 31, 2018** \$ **529.00**

Cortney Murguia stated the District was still waiting to receive a check from the State of California in the amount of \$22,000.00.

Director Russell inquired about the revenue amounts for March being lower than February.

Staff replied that they would take a more detailed look at this item and follow up with the Board members over the next day or two.

Charlie Grace asked that staff be allowed to make a transfer from the money marketing account to the general checking account.

A motion was made to allow a transfer from the money marketing account to the general checking account in the amount of \$35,000.00.

Motion by: Director Russell

2<sup>nd</sup>: Vice-Chairperson McGuire

All in: 4 / 0

- v. District Counsel's Report –**  
There was no report for March.

**B. BOARD OF DIRECTORS AND COMMITTEE REPORTS**

Vice-Chairperson McGuire announced that ECOSLO needed volunteers for an event on Saturday April 21, 2018. She stated that more information was available on their website.

**C. SPECIAL PRESENTATION:**

**i. Acknowledgment Honoring Lori Mather**

Chairperson Williams presented Lori with a letter of recognition signed by the Board commending her for her 20+ years of service as the District videographer.

**D. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:**

None

**4. CONSENT AGENDA ITEMS:**

**Public Comment – None**

**A.** Review and approval of Minutes for the Regular Meeting on March 14, 2018.

**B.** Review and approval of Disbursements Journal.

**C.** Review and approval of Minutes for the Special Meeting on February 6, 2018.

A motion was made to approve consent agenda items 4A-4C with the changes recommended by Vice-Chairperson McGuire and Director Russell.

Motion by: Director Russell

2<sup>nd</sup>: Director Kellas

All in: 4 / 0

The Board and Charlie Grace discussed the style of the consent agenda.

**5. BUSINESS ITEMS:**

**Public Comment - None**

**A.** Review of the Draft Master Plan.

Jon Turner from Phoenix Engineering presented the draft version of the Master Plan Update. He discussed the models and information used to create the document. He stated that typically Master Plans are split into 5 year plans so that it easier to make a financial plan. He also addressed the costs associated with phase 1.

Vice-Chairperson McGuire commented that the document was concise and easy to follow. She asked about a potential time line for Phase 1.

Charlie Grace responded that a timeline was dependent on funding (3.5 million) for the project.

Chairperson Williams commented that the he wanted everyone to understand that this document is not written in stone and that future Boards would have to take funding into consideration before making any decisions. He also mentioned the need to approve the document in order to move forward with adoption.

Charlie Grace commented that the Master Plan had specifically been designed in phases to help with both the planning and the financial aspect of implementation. He also mentioned that sometimes projects that are not part of the Master Plan may need to be implemented depending on the needs of the community. He used the example of the reverse osmosis system.

Vice-Chairperson McGuire made a motion to approve the draft version of the Master Plan understanding that it is a non-binding guide and that as need arises more concrete detailed plans for all projects will be provided and discussed.

Director Russell seconded the motion.

Director Kellas also made a 2<sup>nd</sup> motion to approve the Master Plan on the condition that the remaining new potable water pipes and hydrants currently shown in phase 3 & 4 be moved into the phase 2 diagram.

Chairperson Williams stated that he did not see the need for the conditions to be added.

Vice-Chairperson McGuire also stated that she did not see the need to discuss the moving of pipes until the District was ready for phase 1.

Director Russell mentioned that given the national political situation it was plausible that Congress would pass a significant infrastructure bill. He said that he wanted the District to be in the position to be “shovel ready” if the funds become available.

Motion by: Vice-Chairperson McGuire

2<sup>nd</sup>: Director Russell

All in: 3 / 1

Director Kellas opposed

- B.** Consideration of candidates to replace the Board of Director Vacancy created by the Resignation of Ken Patel and Board Appointment of the new Director.

Chairperson Williams introduced the item.

Vincent Brooks commented that he would like to be on the Board of Directors.

A motion was made to appoint Julia Stanert to the Board of Directors.

Motion by: Director Russell

2<sup>nd</sup>: Director Kellas

All in: 4 / 0

- C.** Consideration of introduction of an ordinance regarding abatement of hazardous weeds. -Move Ordinance be read in title only and all further readings be waived.

Natalie Frye Laacke introduced the item.

A motion was made that the ordinance be read in title only and all further readings be waived.

Motion by: Chairperson Williams  
2<sup>nd</sup>: Director Russell  
All in: 4 / 0

Director Kellas asked about how trees were able to be removed at the property located on Jasper Ave.

Charlie Grace replied that staff had contacted the property owner and asked them to complete the work.

Director Russell addressed language in the ordinance that he had strong objections too.

Charlie Grace recommended that the language "100 feet of structures" be added. He also referenced the inconsistency in language in various parts of the ordinance.

Staff recommended the following changes:

On page 1 of the draft ordinance under section 2 the language "private property" was changed to "unimproved parcels" and "100 feet of structures within the District" was added.

On page 2 of the draft ordinance under (e) the language "zoned for single and multiple residence purposes" was removed.

Under Section 3 the language "property" was removed and "unimproved vacant parcel" was added.

Vice-Chairperson McGuire recommended that on page 5 of the draft ordinance under C. the language "recordation" be removed and replaced with "to be recorded".

A motion was made to approve the introduction of the ordinance with modifications.

Motion by: Chairperson Williams  
2<sup>nd</sup>: Director Russell  
All in: 4 / 0

Roll Call: Chairperson Williams: YES Vice-Chairperson McGuire: YES Director Russell: YES  
Director Kellas: YES

**D. Consideration of approval for Staff to enter into a Sponsor Agreement with the California Conservation Corps.**

Cortney Murguia introduced the item. She explained that the grant application was missing an item, so it was pulled back. She also explained that it benefited the District to have a signed agreement on file with the agency in case of an emergency or further grant opportunities.

Director Kellas commented on the language listed on page two of the agreement stating that the District would have to provide housing for the CCC employees. She requested that staff get clarification on this item.

Staff responded that they would review this item and get clarification from the CCC and would work with District Counsel prior to signing the agreement.



A motion was made to allow staff to enter into a sponsorship agreement with the California Conservation Corps.

Motion by: Director Kellas

2<sup>nd</sup>: Director Russell

All in: 4 / 0

- E.** Discussion and Direction to Staff regarding the amended Policies and Procedures Manual (Board of Directors and Board Meeting sections) for the District.

Natalie Frye Laacke introduced the item.

Director Russell commented on section 1.02 and asked that “following a general election” be removed from this section.

Director Russell asked that special meetings be audio taped and that this language be added to this section.

Director Kellas made a motion to leave the special meeting language and add language about special meetings being audio recorded.

2<sup>nd</sup>: Director Russell

All in: 3 / 1

Chairperson Williams opposed

Director Kellas asked about Section 6.01 and the setting of the agenda. She referred to language about individual directors requesting to have items added to the agenda.

Natalie Frye Laacke stated that the removal of this language did not prevent Board members from contacting the Board Chairperson to have items added to the agenda.

Director Kellas asked if the Board could have access to the draft meeting minutes ahead of time.

Charlie Grace replied, providing an explanation of staff’s timeline and current processes related to meeting minutes.

Julia Stanert commented on the process that her HOA used. She inquired about the possibility of staff creating the minutes the day after the meeting.

Chairperson Williams commented on a point of order and asked that prior to speaking an acknowledgement be made.

Natalie Frye Laacke stated that the Brown Act does not regulate the process for meeting minutes.

There was a lengthy discussion between Director Kellas, Director Russell, Charlie Grace and Cortney Murguia about the process of staff taking meeting minutes. No action was taken regarding 7.01.

The recommended changes to Section 6.11, 7.01 (add a space between by & name), 7.02 were approved “Pacific Premiere Bank” should be changed to an offsite location. Under 7.04.01 and 7.04.02 staff’s recommended changes were approved.

A consensus was reached to have a special meeting each month to allow for the Board to review the policies and procedures until all changes to the manual have been updated and that District counsel be present.

Director Russell asked about Section 6.02 and our current consent agenda process.

Charlie Grace replied that we could start the workshop at section 6.02.

Vice-Chairperson McGuire asked that numbers one thru ten be written out as words to be in line with traditional grammatical practices.

## **6. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS**

None

## **7. ADJOURNMENT @ 7:52 PM**

## **4. CONSENT AGENDA**

### **B. Consideration of approval of Disbursements Journal**

# SAN SIMEON COMMUNITY SERVICES DISTRICT

## Disbursements Journal

### April 2018

Type	Date	Num	Name	Memo	Amount
Check	04/01/2018	Elec Pymt	CalPERS	Annual Unfunded Accrued Liability and Retiree Health Prem for Month of May 2018. Cust. ID # 7226734344	-1,279.64
Paycheck	04/01/2018	1556	DAN WILLIAMS	Board Service Mar 2 to Apr 1, 2018	-92.35
Paycheck	04/01/2018	1557	GWEN KELLAS	Board Service Mar 2 to Apr 1, 2018	-92.35
Paycheck	04/01/2018	1558	JOHN K RUSSELL	Board Service Mar 2 to Apr 1, 2018	-92.35
Paycheck	04/01/2018	1559	MARY M MCGUIRE	Board Service Mar 2 to Apr 1, 2018	-92.35
Bill Pmt -Check	04/11/2018	1560	Adamski Moroski Madden Cumberland & Green	Legal Services Feb '18. Inv date 03.09.18	-4,752.47
Bill Pmt -Check	04/11/2018	1561	County of San Luis Obispo	Cross Connection Costs for services provided Dec 26, 2017 to Feb 15, 2018. Inv 0114411-03.20.18	-180.50
Bill Pmt -Check	04/11/2018	1562	Grace Environmental	Operations Management and Maintenance Fees April 2018. Inv 1149 - 04.01.18	-50,025.00
Bill Pmt -Check	04/11/2018	1563	Grace Environmental	Main water line service connection repair - Vista Del Mar. Inv 1158 - 04.01.18	-2,841.81
Bill Pmt -Check	04/11/2018	1564	Harrington Industrial Plastics, LLC	Water Filter- quantity 3. Inv 013A2832-3.23.18	-1,756.84
Bill Pmt -Check	04/11/2018	1565	Kathleen Fry	Bookkeeping Services March 2018. Inv 2018-03.	-1,200.00
Bill Pmt -Check	04/11/2018	1566	Marine Diving Solutions, LLC	Inspection of outfall pipe and integrity test. Work completed 3/30/18. Inv 1675 - 04.02.18	-30,000.00
Bill Pmt -Check	04/11/2018	1567	Nossaman LLP	Professional Fees 1/1 to 1/31/18 re: Notice of Violation. Inv 477561 -02.20.18	-3,125.00
Bill Pmt -Check	04/11/2018	1568	Nossaman LLP	Professional Fees 2/1 to 2/28/18 re: Notice of Violation. Inv 478908-03.20.18	-10,987.50
Bill Pmt -Check	04/11/2018	1569	Oliveira Environmental Consulting LLC	Pico Ave Bluff Repair, Rip Rap. CCC Commun., Permitting. Billing Period: 01/20/18-03/19/18. Inv OEC_009-03.19.18	-2,992.50
<b>TOTAL</b>					<b>-109,510.66</b>

## **4. CONSENT AGENDA**

- C. Review & Approval of Minutes for the Special Meeting  
– February 6, 2018**

**SPECIAL MEETING MINUTES  
San Simeon Community Services**



**Tuesday, February 6, 2018  
6:00 pm**

**CAVALIER BANQUET ROOM  
250 San Simeon Avenue  
San Simeon, CA 93452**

**1. REGULAR SESSION – 6:00 PM**

**A. Roll Call**

Chairperson Williams – Present  
Vice-Chairperson McGuire – Present  
Director Patel – Absent  
Director Russell – Present  
Director Kellas – Present

General Manager, Charles Grace  
District Counsel, Natalie Frye Laacke  
Counsel, Greg Sanders (via telephone)

**B. Pledge of Allegiance**

**2. PUBLIC COMMENTS**

Henry Krzciuk provided a project timeline handout and provided an explanation about the information included in the handout.

**3. BUSINESS ITEMS**

**A. Discussion regarding the California Coastal Commission meeting and permit conditions for the Waste Water Treatment Plant after the fact permit for the rip-rap.**

General Manager Charlie Grace stated that staff had requested a hearing postponement as of 4pm on February 6, 2018, which had been approved by the Coastal Commission staff.

Counsel spoke about the timeline of SSCSD staff and Board members reviewing the staff report. He referenced several items from the staff report and recommended that the SSCSD staff meet with Coastal Commission staff to discuss these items.

Director Russell asked about existing legal precedence and possible outcomes of further negotiations.

Henry Krzciuk commented about the Local Area Coastal Plan (LCP), and existing riprap along the coast.

Director Kellas asked for clarification about armoring, revetment, and existing fines. .

Greg Sanders (consultant) responded to these questions.

Jeff Oliveria (consultant) inquired about the Coastal Act making an allotment for the District's permit, study, and sand loss.

Greg Sander provided clarification about what work requires a coastal development permit (CDP) and what does not.

Henry Krzciuk asked about the District's authority to construct a bridge when parks & recreation was not one of the powers of the District.

Staff responded.

Several of the community members asked questions about the staff report.

A motion was made to write a thank you letter to the Coastal Commission staff, continue working on a stronger legal argument, and return the information back to the Board.

Motion by: Director Kellas

2<sup>nd</sup>: Director Russell

All in: 4/0 (Director Patel absent)

#### **4. ADJOURNMENT @ 7:26 PM**

## **5. BUSINESS ITEMS**

### **A. Review of the Draft Master Plan.**



The Draft version of the Master Plan Update can be found on our website. This document is attached as EXHIBIT A in the drop down menu.



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **Item 5.A. Review of the Draft Master Plan**

Jon Turner from Phoenix Engineering will be presenting a copy of the DRAFT Master Plan. The document in total was nearly 100 pages. Board members were emailed a link to a drop box which allowed them online access to this item. Anyone wishing to view a paper copy of this document can contact the District office for more information.

At this time staff is looking for the Board to approve the draft version of the Master Plan.

## **5. BUSINESS ITEMS**

- B. Consideration of candidates to replace the Board of Director Vacancy created by the Resignation of Ken Patel and Board Appointment of the new Director.**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **Item 5.B. Consideration of candidates to replace the Board of Director Vacancy created by the Resignation of Ken Patel and Board Appointment of the new Director.**

Per the County Clerk Records office, Staff posted the appointment request for applications in three places (District Office, Chamber Office, and Post Office) on March 15<sup>th</sup>, 2018. Although not required staff also posted the notice of vacancy on the District website. Additionally, notices were mailed to all rate payers with a San Simeon mailing address, and the residents of the Mobile Home Park.

We received one application, which was emailed to members of the Board on Tuesday April 3, 2018. Staff recommends the appointment of a candidate to the Board. Once the appointment has been made, the appointee will be sworn in at the May 9, 2018 meeting.

SAN SIMEON COMMUNITY SERVICES DISTRICT



RECEIVED  
APR 03 2018  
BY: COM

APPLICATION FOR VACANT BOARD OF DIRECTOR SEAT

Name: Julia Greenan AKA Julie Stewart Phone # [REDACTED]  
Address: [REDACTED] Email [REDACTED]

Please list experience you have that would benefit your serving on the SSCSD Board.

1. I am the VP on my HOA Board
2. I attend most SSCSD meetings
3. I attend NCAC meetings
4. I've managed my own cleaning business for 35 years

Why do you want to be a Director on the SSCSD Board?

To serve my community and to be involved with improving our community

X

I am a registered voter residing in the above named jurisdiction. If appointed, I will qualify and accept the above stated office and serve to the best of my ability.

X

I am aware that any person who files or submits for filing a declaration of candidacy knowing that it or any part of it has been made falsely is punishable by a fine or imprisonment, or both, as set forth in Election Code § 18203.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Julia Swan  
Signature of candidate

3/29/18  
Date

Orly Murguia  
Application received by

<sup>com</sup>  
4/3/18 @ 9am  
Date

## **5. BUSINESS ITEMS**

- C. Consideration of introduction of an ordinance regarding abatement of hazardous weeds. -Move Ordinance be read in title only and all further readings be waived.**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **Item 5.C. Consideration of introduction of an ordinance regarding abatement of hazardous weeds.**

During the March LAFCO meeting, this agency approved weed abatement authority for the San Simeon CSD. At this time, the District will need to adopt an ordinance that will allow this authority to take effect. Once this ordinance has been adopted, staff can move forward with implementing a community wide weed abatement program by asking the Board adopt a resolution at the June meeting.

Attached is draft Ordinance 119, regarding abatement of hazardous weeds, trees and debris. Proposed Ordinance 119 will be brought back to the Board for at the May meeting. Staff asks for a roll call vote for this item.



## ORDINANCE NO. 119

### AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT REGARDING ABATEMENT OF HAZARDOUS WEEDS

**WHEREAS**, the San Simeon Community Services District ("District") is a community services district duly formed under Government Code Section 61000 et seq. to provide community services within the District's service area; and

**WHEREAS**, on November 8, 2017, the District adopted Resolution No. 17-393 allowing the District to obtain weed abatement authority on vacant unimproved parcels; and

**WHEREAS**, on January 18, 2018, San Luis Obispo County's Local Agency Formation Commission ("LAFCO") approved weed abatement power for the District; and

**WHEREAS**, on March 14, 2018, LAFCO held a protest hearing for activation of the District's weed abatement powers and having received no written protests ordered the activation of the District weed abatement power, pending adoption of a weed abatement ordinance by the District; and

**WHEREAS**, Government Code Section 61100(t) provides weed abatement authority for community services districts that have such authority and the District currently has weed abatement authority, pending adoption of this weed abatement ordinance; and

**WHEREAS**, the District now adopts the following weed abatement ordinance to reduce the risk of fire from hazardous weeds to protect the health, safety, and welfare of the individuals within the District.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT ORDAINS AS FOLLOWS:**

#### **SECTION 1. Authority, Intent and Purpose.**

This Ordinance is adopted pursuant to Health & Safety Code sections 14875 through 14922. Pursuant to the authority of Government Code section 61100(t), the Board finds and declares that it is necessary to establish a procedure for requiring of and providing for the removal of weeds on sidewalks, parking areas or streets and from privately owned vacant unimproved parcels and to provide for the cost of removal collected per Government Code section 61115 and Health and Safety Code sections 14915 through 14922.

#### **SECTION 2. Definitions.**

As used in this chapter:

"Weeds" means and includes the following plants growing upon streets or private property within the district:

- (a) Vegetation that bears seeds of a downy or wingy nature.
- (b) Vegetation that is not pruned or is otherwise neglected so as to attain such large growth as to become, when dry, a fire menace to adjacent improved property.
- (c) Vegetation that is otherwise noxious or dangerous.
- (d) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
- (e) Dry grass, stubble, brush, litter, or other flammable material which endangers the public safety by creating a fire hazard in an urbanized portion of an unincorporated area which has been zoned for single and multiple residence purposes.

**SECTION 3. Weeds prohibited.**

It shall be the duty of every owner of property located in the district to remove or destroy, or cause the removal or destruction of weeds accumulating on the owner's property. It shall be unlawful for an owner of property located within the district to cause or permit such accumulations of weeds to remain on the property.

**SECTION 4. Declaration of Public Nuisance.**

In accordance with Health and Safety Code sections 14876 through 14884, the Board of Directors may adopt a resolution identifying weeds accumulating on an unimproved vacant parcel and declaring the weeds to constitute a public nuisance (the "resolution"). The resolution shall refer, by the name under which it is commonly known, to the street, highway, or road upon which the nuisance exists, upon which the sidewalks are located, or upon which the private property affected fronts or abuts or nearest to which the private property is located. If the private property fronts or abuts upon more than one street, highway, or road, it is necessary to refer to only one of the streets, highways, or roads. The resolution shall describe the property upon which, or in front of which the nuisance exists by describing the property by reference to the tract, block, lot, code area and parcel number as used in the records of the county assessor or in accordance with the map used in describing property for taxation purposes. No other description is necessary. Any number of streets, highways, roads, or parcels of private property may be included in one resolution.

**SECTION 5. Notice to Remove or Destroy Weeds.**

For properties on which are located accumulations of weeds identified as public nuisances in the resolution, the general manager shall notify the property owners of their obligations to remove or destroy the weeds pursuant to the following procedures:

A. Notice to the affected property owners shall be prepared on district letterhead and entitled, "NOTICE TO REMOVE OR DESTROY WEEDS" in words not less than one inch (1") in height, and the notice shall read substantially as follows:

**NOTICE TO REMOVE OR DESTROY WEEDS**

Notice is hereby given that on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, the Board of Directors of the San Simeon Community Services District adopted Resolution No. \_\_\_\_\_, a resolution declaring that noxious or dangerous weeds were accumulating on property on or nearest to [Name of street] in the District, which property is more particularly described in the resolution, and that the weeds constitute a public nuisance which must be abated by removal or destruction of the weeds. Resolution No. \_\_\_\_\_ further provides that if the weeds are not so abated, they will be removed or destroyed by the District, in which case the cost of removal or destruction shall be assessed upon the property on which the weeds are located, and such cost will constitute a lien upon the property until paid. For further details, please refer to Resolution No. \_\_\_\_\_ copies of which are available during regular business hours from the District office at the address listed above.

All property owners having objections to the proposed removal or destruction of the weeds described above are hereby notified to attend a Public Hearing of the Board of Directors of the San Simeon Community Services District, to be held at \_\_\_\_\_ p.m. on \_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_, California, at which time any objections will be heard and given due consideration.

Dated this \_\_\_ day of \_\_\_\_\_, 20\_\_\_.

[Name of General Manager]  
General Manager  
San Simeon Community Services District

B. At least ten (10) days before the date of the hearing described in the notice, the general manager shall post the notice conspicuously in front of the properties on which the declared public nuisances exists, or on the portions of the properties nearest to the street most likely to give actual notice to the properties' owners. The notices shall be posted not more than one hundred feet (100') apart, but at least one notice shall be posted on each property identified in the resolution.

C. The general manager shall cause the notice to be published once in a newspaper of general circulation in the district not less than ten (10) days before the date of the hearing described in the notice.

D. As an alternative to posting and publishing the notice pursuant to subsections B and C of this section, the general manager may mail the notice to the owners of the properties identified in the resolution, as the owners' names and addresses appear on San Luis Obispo County's latest equalized assessment roll, at least fifteen (15) days before the date of the hearing described in the notice.

## **SECTION 6. Public Hearing and Abatement Order.**

A. At the time and date specified in the notice, the board shall conduct a public hearing to hear and consider all objections (if any) to the proposed removal or destruction of weeds identified in the resolution. The board may continue the hearing, if necessary, upon discretion of the board. The board shall allow or overrule each objection, if any. The board's decisions regarding the objections are final.

B. After the board disposes of objections received by the board, or if no objections are received, the board shall order the general manager to proceed with abatement of the public nuisances identified in the resolution in accordance with this chapter.

## **SECTION 7. Abatement of Public Nuisance.**

A. If the person (or persons) owning a property identified in the resolution fails or refuses to remove or destroy weeds on the property in accordance with the provisions of this Ordinance within ten (10) calendar days after the public hearing at which the board issued an abatement order pursuant to Section 6 of this chapter, the general manager shall remove or destroy, or cause to be removed or destroyed, the weeds in accordance with this section.

B. When the "weeds", as defined in Section 2 of this code, are not in plain view of the general manager or his designee from a place that he lawfully has the right to be, the general manager shall request the consent of the person or persons owning, occupying, leasing, managing or controlling the property before entering the property for purposes of inspection and abatement under this chapter. If consent is refused and if the persons owning, occupying, leasing, managing or controlling the property have a reasonable expectation of the privacy for the area where the district seeks to enter, the general manager shall apply for an inspection/abatement warrant, as defined in Code of Civil Procedure section 1822.50, to enter the property for inspection and abatement purposes, and entry onto the property shall be made only pursuant to an inspection warrant applied for, issued and executed in accordance with Code of Civil Procedure sections 1822.51 through 1822.59. A warrant may authorize district employees access to property only to do one or more of the following:

1. Inspect to determine the presence of public nuisances that the district has the authority to abate.

2. Abate public nuisances, either directly or by giving notice to the property owner to abate the public nuisance.

3. Determine if a notice to abate a public nuisance has been complied with. If the person owning, occupying, leasing, managing or controlling the property has no reasonable expectation of privacy, employees of the district may enter the property without an abatement warrant for any of the reasons stated directly above.

C. It shall be unlawful for any person to interfere with, hinder or refuse to allow the general manager's entry onto a property to abate public nuisances pursuant to this section.

D. Any person or persons owning, occupying, leasing, managing or controlling property identified in the resolution shall have the right to remove or destroy weeds on their property, at their own expense, at any time before arrival of the general manager for entry onto the property pursuant to this section; provided, however, that the costs of the district to enforce the abatement upon the subject property, including investigation, boundary determinations, measurement, clerical and other related costs, may be imposed as a special assessment and lien on such property pursuant to a resolution of the board adopted pursuant to the provisions of this Code.

**SECTION 8. Abatement Costs.** In any case in which the board issues an abatement order pursuant to Section 6 of this Code, the board may adopt a resolution ordering that a special assessment and lien be imposed on the property which the public nuisance is located in accordance with the following procedures:

A. When enforcing the abatement of, or abating, a public nuisance pursuant to this chapter, the general manager shall keep a written account of the enforcement and abatement costs incurred for each property identified in the resolution, which may include costs incurred by the district for investigations, boundary determinations, measurement, abatement, and clerical work related to abatement of the public nuisance. Based on these accounts, the general manager shall prepare a written report stating the enforcement and abatement costs incurred for each property. A statement shall be sent to each owner outlining the expenses incurred and the amount to pay to the District for the abatement.

B. Before the general manager's report is presented to the board, a copy of the report shall be posted outside the board's meeting room for at least three (3) days before the meeting at which the board will consider the report, along with a notice of the time and date of the meeting. Copies of the report and the notice also shall be mailed to the owner of each property identified in the report, using the owner's name and address as it appears on San Luis Obispo County's latest equalized assessment roll, at least fifteen (15) days before the meeting. At the meeting, the board shall consider the report, along with any objections by owners of property identified in the report as subject to assessment for enforcement and abatement costs. After making any necessary modifications to the general manager's report, the board shall confirm the report by resolution.

C. Upon confirmation of the general manager's report by the board, the district shall submit certified copies of the general manager's report and the board's resolution confirming the report to the San Luis Obispo County recorder's office for recordation. On or before the next August 10 following the board's confirmation of the general manager's report, the district also shall file copies of the general manager's report and the board's resolution confirming the report with the San Luis Obispo County auditor for entry of the assessments onto the San Luis Obispo County tax roll.

D. The amounts of the enforcement and abatement costs assessed to each property identified in the general manager's report shall constitute special assessments against the respective properties and create liens on the properties for those amounts. The special assessments shall be collected at the same time and in the same manner as property taxes of San Luis Obispo County, and delinquent amounts are subject to the same penalties and foreclosure sale procedures as are county property taxes.

**SECTION 9. Removal method.**

The methods of removing weeds from property as provided in this chapter shall not be an exclusive method, but shall be an alternative method, and such weeds may be removed from such property pursuant to the provisions of any law of the state or of any ordinance of the District applicable thereto.

**SECTION 10. Cancellation or Refund of Assessments.**

Any portion of a special assessment, penalty or cost imposed pursuant to this Ordinance shall be canceled or refunded upon order of the board if imposed improperly, erroneously or illegally, within the meaning of Health and Safety Code section 14920. For assessments that already have been paid, refunds shall be given upon order of the board, provided that the recipient has filed a verified claim with the board within three (3) years after making the payment for which a refund is sought.

**SECTION 11. Inconsistent Provisions.**

To the extent that the provisions of this chapter may be inconsistent or in conflict with the terms and conditions of any prior district ordinance, resolution, rule or regulation governing the same subject, the provisions of this chapter shall prevail with respect to the subject matter thereof, and such inconsistent or conflicting terms or conditions of prior ordinances, resolutions, rules or regulations are hereby repealed.

**SECTION 12. Severability.**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The District Board hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

**SECTION 13. Effective Date and Publication.**

This Ordinance shall take effect thirty days after its adoption. A summary of this Ordinance shall be published in a newspaper of general circulation and a certified copy of the full text of the proposed Ordinance shall be posted in the office of the District at least five days prior to the meeting at which the proposed Ordinance is to be adopted. Within fifteen days after adoption of the Ordinance, the governing body shall publish a summary of the Ordinance with the names of those members voting for and against the ordinance and shall post in the office of the district a

certified copy of the full text of the adopted Ordinance along with the names of those members voting for and against the Ordinance.

This Ordinance was passed and adopted at a meeting of the Board of Directors of the San Simeon Community Services District on \_\_\_\_\_, 2018; Upon motion by Director \_\_\_\_\_ and seconded by Director \_\_\_\_\_, by the following roll call vote:

Chairperson Williams:      Vice-Chair McGuire:      Director \_\_\_\_\_:

Director Russell:      Director Kellas:

\_\_\_\_\_  
Daniel Williams, Chairperson

ATTEST:

\_\_\_\_\_  
Charles Grace  
Secretary/General Manager

APPROVED AS TO FORM:

\_\_\_\_\_  
Natalie F. Laacke  
District Counsel

## **5. BUSINESS ITEMS**

- D. Consideration of approval for Staff to enter into a Sponsor Agreement with the California Conservation Corps.**





## BUSINESS ACTION ITEM STAFF REPORT

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### **Item 5.D. Consideration of approval for Staff to enter into a Sponsor Agreement with the California Conservation Corps.**

During the month of March staff contacted the local chapter of the California Conservation Corps (CCC). This is a state agency that provides young women and men the opportunity to work hard responding to fires, floods and other disasters, restoring California's environment, and installing clean energy and energy conservation measures. SSCSD staff contacted this agency to gather information about the possibility of using them for future projects in our community.

On March 16, 2018 Cortney Murguia was in contact with the Los Padres/Santa Maria District chapter of the CCC. At this time the CCC provided information about an upcoming grant opportunity that the District might qualify for. The Active Transportation Program Grant is funded by prop. 1 money, and the minimum award amount is \$50,000.00. One of the grant requirements is that labor for any approved project must be performed by the CCC. The deadline for this grant was on April 2, 2018.

On March 27, 2018 staff submitted an application packet to the CCC on behalf of the community of San Simeon. The selected project was for fence replacement along Highway One. The total of the project is \$85,000.00. The application did not commit the community to any out of pocket funds. Meaning that if the grant application is approved it covers 100% of the project costs.

The turnaround time for this application was exceptionally fast. Should future funds become available next FY, staff will be looking to submit projects that fit in with the long term infrastructure plans for the community. For example, the pipe bridge replacement.

At this time staff is asking that the Board approve an agreement with the CCC that would allow for this agency to complete the fence installation work, should the community become approved for the grant.

**CALIFORNIA CONSERVATION CORPS**1719 24<sup>th</sup> Street, Sacramento, CA 95816[www.ccc.ca.gov](http://www.ccc.ca.gov)

CCC-96 (REV. 11/2016)

**SPONSOR AGREEMENT (CCC-96)  
(for Governmental Entity – Local)**

This Sponsor Agreement (Agreement) is entered into by the California Conservation Corps (CCC), State of California and

Sponsor's Name: \_\_\_\_\_, a State of California Local Public Entity (Sponsor).

**WHEREAS**, the CCC is statutorily mandated to provide job skills training, educational opportunities and an increasing awareness of the State's natural resources to young adults;

**WHEREAS**, the CCC is authorized to work on projects in rural and urban areas that, provide a benefit to the public by, among other things, preserving, maintaining and/or enhancing the lands and water of the State of California, directly contributing to the conservation of energy and/or assisting in fire prevention and suppression;

**WHEREAS**, the CCC is authorized pursuant to the California Public Resources Code Section 14306 to execute contracts for furnishing the services of the CCC to any federal, state or local public entity, any local or statewide private organizations, and any person, firm, partnership, or corporation concerned with the objectives of the CCC program as specified in California Public Resources Code Sections 14000 and 14300;

**WHEREAS**, the Sponsor can provide opportunities for public service through meaningful and productive work projects;

**WHEREAS**, each party to this Agreement is duly authorized to enter into this Agreement; and

**WHEREAS**, the parties to this Agreement find and determine that it would be to their mutual advantage and the public benefit to join together to accomplish the purpose herein, and coordinate their power, authority and expertise for the CCC to use its corpsmembers and employees to accomplish projects specified by Sponsor and agreed to by the CCC;

**NOW THEREFORE**, in consideration and recognition of the above, the Sponsor and CCC (collectively referred to herein as "the parties") agree as follows:

- A. Documentation of Projects
1. Sponsor shall submit project proposals to the CCC.
  2. The CCC shall work with Sponsor to include details of project proposals in a CCC Form 58 and/or other appropriate forms and documentation where applicable ("the project paperwork").

3. No project work will begin without a CCC Form 58 (or its replacement) being signed by the parties' representatives.
4. The project paperwork for any project necessarily incorporates into it this Agreement.
5. Unless otherwise specified in the project paperwork, the parties agree to accept documents that are digital signed in accordance with Government Code Section 16.5.

B. Parties Obligations:

1. Sponsor agrees:
  - a. To pay for all costs, including but not limited to, labor, material and supply costs negotiated and agreed to by the parties that are directly related to and necessitated by the project and that are set forth in the project paperwork;
  - b. To make available to the CCC adequate plans, specifications, materials, supplies, equipment and/or special labor requirements to complete the project as determined and agreed to by the parties as specified in the project paperwork;
  - c. To provide adequate technical supervision as determined and agreed to by the parties;
  - d. To obtain approvals and permits required by any local, state or federal entity necessary to commence working on and/or completing the work identified in the project paperwork;
  - e. To the extent any project involves the CCC performing work on private property, it will obtain and/or has obtained all necessary approvals, authorizations and/or permits from the owners of said private property before the CCC begins project work on said property and that the CCC is authorized to perform the project work on said private property;
  - f. To the extent any project involves trade unions or labor organizations, to obtain clearances and/or meet requirements, if any, of trade unions or other labor organizations occasioned by the participation of the CCC in the project;
  - g. To provide project sites that, to the best of the Sponsor's knowledge, are free of any known hazardous materials, but if there are any known hazardous materials present, the Sponsor will provide the location, identity, and amounts of such hazardous materials as well as the Safety Data Sheets associated therewith;
  - h. To provide or reimburse the CCC for acceptable temporary living accommodations for CCC personnel actually engaged in working on a project if: (1) the project is located at a site that is more than a one hour drive from the designated CCC base center; and, (2) provision of such living accommodation is determined necessary by the parties;
  - i. To conduct an orientation with CCC personnel at the commencement of each project to explain the technical aspects, safety requirements and other relevant information necessary for the CCC to successfully complete the project including the identification of restroom facilities or alternatives thereto;
  - j. To work with the CCC to conduct an additional educational or training presentation at the CCC base center or project site to CCC corpsmembers; and,

- k. To explore the possibility of authorizing the CCC to place a sign, plaque or emblem on the project site that presents the CCC's contribution to the project and the date. Any such sign, plaque or emblem shall be consistent in size and design to its surroundings at the project site.
2. CCC agrees to:
    - a. Review project proposals submitted by the Sponsor and work with Sponsor to prepare project paperwork for those proposed projects that are covered by the CCC's statutory mandate, consistent with the CCC's organizational priorities and within the CCC's operational capabilities.
    - b. Provide CCC personnel, equipment and materials to perform the obligations specified in the project paperwork. The CCC shall only use personnel who have received adequate prior training and are sufficiently equipped for and alerted to the general nature of the hazards inherent in the scope of work; and,
    - c. Provide its personnel with Workers' Compensation coverage and benefits that are administered by the State Compensation Insurance Fund in accordance with the California Labor Code.
3. The Sponsor and CCC mutually agree to the following:
    - a. This Agreement is not intended to affect the legal liability of either of the parties by imposing any standard of care other than the standard of care imposed by law;
    - b. Mutual Indemnification:
      - i. To the extent permitted by law including Article XVI, sections 1 and 6 of the California Constitution, and the California Claims Act, the CCC agrees to hold harmless and indemnify the Sponsor against any liability, damage, or loss legally determined to have occurred as a result of performance or failure to perform under this Agreement and/or the project paperwork caused by the acts and/or omissions of any person directly employed by, enrolled in or under the control or supervision of the CCC while performing the work set forth in this Agreement and/or the project paperwork.
      - ii. The Sponsor agrees to hold harmless and indemnify the CCC against any liability, damage, or loss legally determined to have occurred as a result of performance or failure to perform under this Agreement and/or the project paperwork caused by the acts and/or omissions of any person directly employed by or under the control or supervision of the Sponsor while performing the work set forth in this Agreement and/or the project paperwork;
    - c. Insurance:
      - i. The State of California has elected to cover its motor vehicle and general liability exposure through claims procedures instituted in accordance with the California Government Code provisions and the other provisions of the law relating to such liability. Pursuant to those procedures, tort liability claims should be presented as a government claim to the Government Claims Program, P.O. Box 989052 MS 414, West Sacramento, CA 95798-9052. (Internet

link: <http://www.dgs.ca.gov/orim/Programs/GovernmentClaims.aspx>) in accordance with the California Government Code and the other provisions of the law governing submission of such claims. In addition, unless notified otherwise or on behalf of the CCC, motor vehicle liability claims should be presented to the Office of Risk and Insurance Management (ORIM), P.O. Box 989052 MS-403, West Sacramento, CA 95798-9052, (800) 900-3634, [claims@dgs.ca.gov](mailto:claims@dgs.ca.gov). If your motor vehicle liability claim is not resolved within six months from the date of loss, California law requires you to file a formal claim with the Government Claims Program, P.O. Box 989052 MS 414, West Sacramento, CA 95798-9052. (see link above). It should be noted, however, that the willingness of ORIM to receive such motor vehicle liability claims does not constitute a waiver by the State of California or the CCC of the time limits or procedures provided by law or the filing of claims relating to such motor vehicle liability. It also should be noted that the addresses set forth in this paragraph are subject to change; any claimant is advised to verify the accuracy of and currency of the addresses for filing claims, and by setting forth addresses in this paragraph, neither the State of California nor the CCC is waiving any time limits or procedures provided by law for filing claims related to alleged motor vehicle or general liability or any other alleged liability.

- ii. The California Department of Personnel Administration has entered into a Master Agreement with the State Compensation Insurance Fund to administer Workers' Compensation benefits for State employees and corpsmembers as required by the California Labor Code.
- d. The California Labor Code Section 1720.4(c) specifically exempts the CCC from paying state prevailing wages to corpsmembers when engaged in public works projects. The CCC is not subject to the federal prevailing wage requirements set forth in the Davis-Bacon Act (Title 40 USC 276A et seq.) when providing labor on federal government contracts. Title 29 of the Code of Federal Regulations (CFR), Section 5.2(h) specifically provides that a State is not considered a contractor under statutes providing loans, grants, or other federal assistance in situations where construction is performed by its own employees and/or personnel;
- e. The California Business and Professions Code, Section 7040 exempts the State of California from contractor licensing requirements. The CCC is a state entity subject to the exemption;
- f. Improvements and Land Use:
  - i. All improvements constructed in whole, or in part by the CCC on lands owned or controlled by the Sponsor shall remain the property of the Sponsor;
  - ii. Permission to camp and/or perform work on lands owned or controlled by Sponsor does not in any way convey to the CCC, its staff or any person or persons working with the CCC in the performance of said

work, employee status that would extend to them the benefits afforded to permanent employees of Sponsor;

g. Emergency Services and Possible Delays:

- i. The CCC is required to provide emergency services if directed by the Governor of the State of California pursuant to an Executive Order, the Office of Emergency Services, Department of Forestry and other agencies charged with responding to emergencies throughout California arising from fire, flood, wind, and other natural and man-caused disasters.
- ii. The CCC may be required to temporarily suspend or permanently cease work on projects due to required emergency response or emergency conditions. The parties agree that any delay in completing the work by the CCC due to response to an emergency shall be excused and costs incurred by the delay shall be the responsibility of the Sponsor;
- iii. The resources of the CCC are limited and the public service conservation work of the CCC may be altered in priority from time-to-time. The parties agree that other than delays caused by the CCC's response to an emergency, all other delays by either party shall be excused and costs caused by delays shall be borne by the party incurring such costs.

h. All contracts relating to the construction or operation of a project shall contain a clause prohibiting discrimination and/or harassment against any person, employee or employee applicant engaged in the project work on the basis of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (e.g., cancer), age (over 40), marital status, and denial of family care leave;

i. Budget Contingencies:

- i. It is mutually agreed that if the Budget Act of the current year and/or any subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State of California and the CCC shall have no liability to pay any funds whatsoever to Sponsor or to furnish any other considerations under this Agreement or related project paperwork and Sponsor shall not be obligated to perform any provisions of this Agreement or related project paperwork.
- ii. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State of California and the CCC shall have the option to either cancel this Agreement with no liability occurring to the State of California or CCC, or offer to an Agreement amendment to Sponsor reflecting the reduced amount.

j. Subject to the provisions herein, all remedies allowed by law are available to either party for enforcement of this Agreement. Any waiver of rights by either party or any matter relating to this Agreement shall not be deemed to be a waiver unless in writing and approved by both parties and shall not be a waiver to any other provision or matter relating to this Agreement;

k. If any part of this Agreement is found to be invalid the remainder of the Agreement shall continue in full force and effect;

- l. Neither the CCC nor the Sponsor may assign this Agreement or any interest therein without the written consent of the other party;
- m. No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties;
- n. This Agreement is governed by and shall be interpreted in accordance with the laws of the State of California;
- o. This Agreement shall remain in effect unless terminated upon thirty (30) days written notice from either party; and
- p. Each Party and its respective agents executing this Agreement warrants and represents that it has the full power and authority to execute, deliver and perform the obligations under this Agreement and that each Party's performance hereunder has been duly authorized by all requisite actions on the part of that Party.

**Sponsor Information:**

Sponsor Name:	Sponsor Department:
Address:	
Contact Person:	Phone:
Email Address:	

**SIGNATURES**

In Witness Whereof, the parties have agreed to the condition of this Agreement as of the date shown below.

Sponsor Representative Signature:	
Print Name:	Date:

CCC District Director/Region Deputy Signature:	
Print Name:	Date:

**CALIFORNIA CONSERVATION CORPS****Legal Office**

1719 24<sup>th</sup> Street, Sacramento, CA 95816  
(916) 341-3133 FAX 877-882-0114



Federal, State and Local Public Officials

Re: Competitive Bidding, Prevailing Wage, Licensure  
and Joint Powers Agreement

The California Conservation Corps (CCC) was established in 1976 pursuant to the California Public Resources Code, Section 14000 et seq. and is mandated to provide work, educational and volunteer opportunities to young men and women (Corpsmembers) to develop a strong work ethic, marketable skills and competencies as well as self-confidence.

The CCC accomplishes its statutory mission by partnering with federal, state and local entities, local or statewide private organizations, and any person, firm, partnership, or corporation concerned with the objectives of performing environmental conservation and public service work (CA Public Resources Code Section 14306). The CCC has provided approximately 16,000,000 hours of public service conservation work in just the last eight years alone. This letter provides information in response to frequently asked questions pertaining to competitive bidding, prevailing wages, licensure and joint power agreements when partnering with the CCC to work on projects.

**1. Can a federal, state, or local public entity partner with the CCC to perform work on public works projects without the competitive bid process?**

Yes. Historically, the CCC has never been required to engage in the competitive bid process for public works projects. The CCC has specific statutory authority to contract with public entities.

The Public Resources Code, Section 14306 specifically authorizes the CCC to:

...(g) Execute contracts for furnishing the services of the Corps to any federal, state or local public agency...

...(i) Be reimbursed by the federal government, any state or local public agency...for actual expenses incurred by the Corps for any project undertaken for any such entity pursuant to subdivision (d) or (g) or pursuant to Section 14307...

In addition, the partnership between public entities and the CCC meet the criteria of a Joint Powers Agreement (JPA) statutorily authorized by the Joint Exercise of Powers Act (JEPA), California Government Code section 6500 et seq. (See Sample JPA).



The CCC, in partnering with federal, state and local public entities to complete public works projects for over 34 years, has only been challenged once in a court of law on whether the CCC is "required" to engage in the competitive bid process for public works projects. While not a precedential decision, in 1995, the Superior Court in El Dorado County determined that the CCC Sponsor Agreement met the minimum statutory requirements for a JEPA.

Whether pursuant to the CCC Sponsor Agreement forms or a specifically drafted JPA document, the partnership between the CCC and a public entity meet the minimum criteria of the JPA including, but not limited to: two public entities exercising an authorized common power to perform the work based on a declared public purpose; strict accountability of all funds and disbursements; each having the legal authority to perform the work; and the improvements remaining the property of the Sponsor. If a public entity requests the CCC to sign a JPA instead of the CCC Sponsor Agreement (CCC Form 96), the CCC requires the Sponsor to complete and sign the CCC Forms 96A and 58 for transactional and administrative purposes.

The CCC is authorized and capable of providing a multitude of services to public entities to complete public work projects at reasonable costs without competitive bidding which in turn, provides job training and educational opportunities to young adults in California.

**2. Is the CCC required to pay State or federal prevailing wages when working on a State or federal public works project?**

No. The CCC is statutorily exempt from the requirements of paying state prevailing wages for work performed on state public works projects. California Labor Code, Part 7, Chapter 1, Article 1, Section 1720-1720.3 defines "public works". Labor Code, Part 7, Chapter 1, Article 2, Section 1771 requires that public works projects over \$1,000 shall require that all employees employed on public works projects be paid the general prevailing wage. However, Labor Code Section 1720.4 specifically exempts the CCC from Chapter 1 and prevailing wage requirements:

(a) This chapter shall not apply to any of the following work:

...(3) Any work performed by members of the California Conservation Corps or of Community Conservation Corps certified by the California Conservation Corps pursuant to Section 14507.5 of the Public Resources Code.

In addition, the CCC is not subject to the federal prevailing wage requirements set forth in the Davis-Bacon Act (Title 40 USC 276A et seq.) when employed on federal government contracts in excess of \$2,000 for construction, alteration, or repair of public buildings or public works.

The regulations adopted by the U.S. Department of Labor to implement the Davis-Bacon Act specify in Title 29, Code of Federal Regulations, Section 5.2(h):

...The term contract means any prime contract which is subject wholly in part to the labor standards provisions of any of the acts listed in Section 5.1 and any subcontract of any tier thereunder, let under the prime contract. **A State or local Government is not regarded as a contractor under statutes providing loans, grants, or other federal assistance in situations where construction is performed by its own employees...** (emphasis added).

The CCC is a State entity that performs work with its own employees and therefore, is not subject to the prevailing wage requirements of the Davis-Bacon Act or the American Recovery and Reinvestment Act of 2009 (ARRA) which incorporates by reference the prevailing wage requirements of the Davis-Bacon Act and the applicable regulations.

**3. Is the CCC required to comply with state contractor licensing requirements?**

No. The CCC is statutorily exempt from the state licensing requirements because it is a state government entity acting within the scope of the entity's official capacity. Specifically, California Business and Professions Code, Section 7040 provides:

(a) This chapter does not apply to an authorized representative of the United States government, the State of California, or any incorporated town, city, county, irrigation district, reclamation district or other municipal or political corporation or subdivision of this state when the entity or its representative is acting within the scope of the entity's or representative's official capacity.

The CCC has partnered with federal, state and local entities for over 34 years to work on public works projects throughout California earning from \$1,000 to over \$5,000,000 through individual agreements. Please refer to the following "Partial List of CCC Sponsors" that have partnered with the CCC over the years.

If you have any questions regarding the above information, please contact the CCC Legal Office at (916) 341-3133.

## **5. BUSINESS ITEMS**

- E. Discussion and Direction to Staff regarding the amended Policies and Procedures Manual (Board of Directors and Board Meeting sections) for the District.**



## BUSINESS ACTION ITEM STAFF REPORT

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### **Item 5.E. Discussion and Direction to Staff regarding the amended Policies and Procedures Manual (Board of Directors and Board Meeting sections) for the District.**

This item was tabled during the March meeting. As previously mentioned, it has been many years since the District's Policy and Procedure manual has been updated. District Counsel is currently working on updating the manual to be in compliance with the newest version that was approved by the California Special District Association (CSDA).

Over the course of several weeks staff has received feedback from a community member regarding this item. Records indicate that the policy and procedures manual currently used by the District is from 2002. As counsel began reviewing the new version of the manual, a side-by-side comparison of the old CSDA/SSCSD policy manual and the new CSDA policy manual was not done. The new CSDA follows an entirely different numbering sequence and section titles, therefore making a side-by-side comparison extremely cumbersome.

As previously mentioned, both counsel and staff have determined that the preferred way to move forward with adopting the new manual will be to present small sections. Staff will present a small section to the Board for their input. The recommended changes received at the meeting section will be incorporated and a final version shall be presented at the following Board meeting. This will allow for the Board to approve the final version of each individual section. Before the manual, in its entirety, is approved staff will present the final version in its entirety for review.

Attached please find a draft version of the proposed changes to the policy and procedures manual section **1.0 Board of Directors** intended to replace existing sections 5000 and 6000. Staff has used red strikethrough font to document the proposed changes to the CSDA version. Staff is requesting that Board go through each edited section and determine if this language can be removed.

During the last meeting the following items were approved:

- 1) Substitute the term President and Vice President for Chair and Vice-Chairperson.
- 2) Section 1.02 - All language after "shall be one (1) year." Is to be removed from the manual.
- 3) The recommended changes to Section 4.01 were approved.
- 4) The recommended changes to Section 6.01 and 6.05 were approved.

The Board needs to revisit section 5.03. The starting place for the April meeting is page 5.

## SAN SIMEON COMMUNITY SERVICES DISTRICT

### POLICIES AND PROCEDURES OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT

#### **SECTION 1.00 Board of Directors (PREVIOUSLY THE 5000 & 6000 SERIES)**

**1.01 Authority of the Board.** The Board of Directors is the governing body of the District. The Board shall act only at its regular meeting, regular adjourned meetings, special meetings or emergency meetings.

**1.02 Officers.** At the regular meeting in December following a general election, the Directors shall elect one of their members Chairperson of the Board and another of the members Vice Chairperson of the Board. Term of office for each shall be one (1) year. ~~The elected Chairperson or the Vice Chairperson may succeed him or herself in office once, for two (2) terms or two (2) years in office. Should the Chairperson or Vice Chairperson vacate his or her office prior to the end of the prescribed one-year term, a replacement shall be appointed by the Directors to complete the term of the replaced officer.~~

Commented [RL1]: This language was removed on 3/14/18

**1.03 Attendance at Meetings.** Members of the Board of Directors shall attend all regular and special meetings of the Board unless there is good cause for absence.

**1.04 Vacancy.** A vacancy shall occur if any member ceases to discharge the duty of his/her office for the period of three (3) consecutive months except as authorized by the Board of Directors.

**1.05 Remuneration.** Members of the Board of Directors shall receive a monthly "Director's Fee," the amount of which shall be annually established by the Board as set forth in the adopted budget. However, a member of the Board who does not attend the regular monthly meeting of the Board is not entitled to the monthly "Director's Fee".

**1.06 Reimbursement.** Members of the Board of Directors shall be reimbursed for all legitimate expenses incurred in attending any meetings or in making any trips on official business of the Board when so authorized in accordance with policies. Reimbursement for the cost of the use of a Director's vehicle shall be on the basis of total miles driven and at the rate specified in the Internal Revenue Service Guidelines in effect at the time of the vehicle.

**1.07 Membership in Associations.** The Board of Directors shall ordinarily hold membership in and attend meetings of such national, state, and local associations as may exist which have applicability to the functions of the District, and shall look upon such memberships as an opportunity for in-service training. The Board of Directors shall maintain membership in the California Special Districts Association and shall insure that annual dues are paid when due. The Chairperson shall be selected to represent the District in accordance with said chapter's constitution/bylaws, and the Vice Chairperson shall serve as an alternate for the representation.

#### **SECTION 2.00 Duties of the Board of Directors**

**2.01 Presiding Officer.** The Chairperson shall preside at all meetings of the Board. The Vice Chairperson shall preside at all meetings of the Board in the absence of the Chairperson.

If both the Chairperson and Vice Chairperson are absent, the Directors in attendance shall select a Director to preside over the meeting.

**2.02 Duties of the Chairperson.** The Chairperson of the Board shall preserve order and decorum and shall decide questions of order, subject to appeal to the Board of Directors. The Chairperson from the chair may place a motion before the Board, second a motion and vote irrespective of the existence of an otherwise tie vote.

The Chairperson shall act as spokesperson for the Board with respect to its actions and policies, and those of the District. This provision, however, shall not preclude any other member of the Board from making appropriate comments within the scope of his or her position.

The Chairperson, or any member of the Board or staff person so designated, shall represent the Board where it is appropriate or desirable for the District to appear, at meetings of other public agencies, private entities, before public or private groups, or on other public or private occasions. However, this provision shall not limit the attendance of any Director or authorized officer or employee of the District in conformance with the requirements of the Brown Act.

The Chairperson shall work through the General Manager, counsel or other officer of the District to obtain such information as may be necessary and appropriate to assist the Board in its deliberations, and may direct staff to implement the policies and decisions of the Board. Individual members of the Board shall not act independently to direct staff in the performance of their duties, unless specifically provided for in these policies or as approved by the Board.

**2.03 Duties of the Vice Chairperson.** The Vice Chairperson shall act if the Chairperson is absent or unable to act and shall exercise all of the powers of the Chairperson on such occasions.

**2.04 Authority of Individual Board Members.** All powers of the District shall be exercised and performed by the Board as a body. Individual Board Members, except as provided in these policies or otherwise authorized by the Board, shall have no independent power to act for the District, or the Board, or to direct staff of the District.

### **SECTION 3.00 Staff and Consultants**

**3.01 Staff.** The Board shall, as necessary, appoint a General Manager and a District Secretary. The General Manager may also act as District Secretary, but no Director shall be appointed as General Manager or District Secretary. The General Manager, District Secretary or a third party may also be appointed as the Finance Officer.

**3.02 Consultants and Compensation.** The Board may also appoint and employ, fix the compensation of, and prescribe the duties and authorities of other officers, employees, attorneys, engineers, and other professional consultants as necessary or convenient for the business of the District.

### **SECTION 4.011 Duties of Staff**

**4.01 Duties of General Manager.** The General Manager shall be responsible for all of the following:

- The implementation of the policies established by the Board of Directors for the operation of the District.
- ~~The appointment, supervision, discipline, and dismissal of the District's employees, consistent with the employee relations system established by the Board of Directors.~~
- The supervision of the District's facilities and services.
- The supervision of the District's finances.

**Commented [RL2]:** It is recommended that this language be removed because the District does not have any employees. This is a matter that would be handled by the contractor.

CHANGE APPROVED ON 3/14/18

**4.02 Duties of District Secretary.** The District Secretary shall prepare and mail or send by electronic media to each person entitled thereto copies of agendas, minutes of the preceding meeting, and notice of meetings. The District Secretary shall prepare minutes for adoption by the Board of Directors setting forth all actions taken by the Board and shall preserve minutes and other records of actions of the governing Board. Upon Board Action, a recording secretary may be appointed to record and transcribe the minutes of meetings.

#### **SECTION 5.00 Meetings: Time, Place and Manner**

**5.01 Time.** The time for regular meetings of the Board of Directors shall be the second Wednesday of each calendar month at 6:00 p.m. The date, time and place of regular Board meetings shall be reconsidered annually at the annual organization meeting of the Board.

**5.02 Place.** The place of meetings of the Board of Directors shall be in Cavalier Banquet Room located at 250 San Simeon Avenue, San Simeon, California, unless otherwise designated by the Board of Directors.

**5.03 Recording.** The proceedings of all regular ~~and special~~ meetings shall be recorded by audiotape or other electronic media. Recordings shall be retained for a period of 10 years. Video and audio taping of regular ~~or special~~ meetings shall conform to Government Code Sections 54953.5 & 54953.6.

**Commented [RL3]:** This item needs to be discussed.

**5.04 Special and Emergency Meetings.** The time, place and manner of calling all other meetings of the Board of Directors shall be undertaken as prescribed in the Government Code Section 54950 *et seq.*

**5.05 Adjourned Meetings.** A majority vote by the Board of Directors may terminate any meeting at any place in the agenda to any time and place specified in the order of adjournment, except that if no Directors are present at any regular or adjourned regular meeting, the General Manager may declare the meeting adjourned to a stated time and place.

**5.06 Compliance with the Brown Act.** All meetings of the Board of Directors and Committees shall be open and public and all persons shall be permitted to attend any public meeting of the Board of Directors except as provided by law; provided, however, that closed sessions may be held when permitted by law.

**5.07 Secret Ballots.** Secret ballots are not allowed.

#### **SECTION 6.00 Agendas.**

**6.01 Setting of Agenda.** The General Manager, in consultation with the Board Chairperson, shall set the agenda. Committee recommendations on topics to be updated on the agenda shall be given to the ~~Board Chairperson or their designee General Manager. Individual Directors may request items to be placed on the agenda by notifying the General Manager of their request, no later than 5:00 p.m. 10 days prior to the meeting date.~~

**Commented [RL4]:** It is recommended that this language be removed. There is a place on the agenda which allows for future agenda items to be discussed. This method allows for a consensus to be reached in order for an item to be placed on the next agenda.

CHANGE APPROVED ON 3/14/18

**6.02 Consent Calendar.** Agendas of Board meetings shall incorporate a consent calendar listing items of a routine nature not normally requiring discussion. The following is a listing of consent calendar items, which may be amended from time to time by the direction of the Board of Directors or by the General Manager and the District Secretary, as they deem appropriate: (1) Approval of Minutes, (2) Reports, (3) Approval of Bills Paid (4) Informational Items. Approval of the consent calendar shall take place by a motion and a second of the Board and passed by a roll call vote indicating a majority vote.

**6.03 Distribution.** The District Secretary shall prepare an agenda for each regular meeting and shall post and mail or send by electronic media the agenda to persons entitled thereto at least 72 hours prior to the meeting. The District Secretary shall prepare an agenda for each special meeting and post this agenda 24 hours prior to the meeting.

**6.04 Additional Distribution.** Agendas shall be mailed or sent by electronic media to any person who has on file a written request to receive agendas, after the District has received payment of the appropriate fees to cover either faxing or mailing of said agendas.

~~**6.05 Request to Appear.** Any person who desires to address the Board at length on a matter, which is not on the agenda, shall make a request to do so to the District Secretary at least forty-eight hours in advance of the posting of the agenda (five (5) business days before the meeting). This provision shall not prevent any person from addressing the Board at a time designated therefore on the agenda.~~

**Commented [RL5]:** It is recommended that this item also be removed. If the agenda has not been posted yet then how would someone know if they should make this request. Additionally, there is a place on the agenda which allows for a person to discuss items not on the agenda. Also see section 6.08

CHANGE APPROVED ON 3/14/18

**6.06 Agenda Change.** The Board can add an item to the agenda with a 2/3 vote of the Board if the body determines that the matter in question constitutes an emergency or for other cause permitted under Government Code Section 54954.2(b).

**6.07 Public Comments on Agenda Items.** Any member of the public may address the Board on any item on the agenda at the time that item is being considered by the Board. Speakers will be limited to three (3) minutes per agenda item as monitored by the District Secretary. Additional time may be extended by the Chairperson. Speakers shall not be allowed to “split” their time, nor shall they be permitted to “reserve” all or any portion of their allotted time. If any person fails or refuses to abide by these rules, the Chairperson, after warning the speaker, may declare that the speaker is disrupting, disturbing or impeding the orderly conduct of the meeting and order the speaker to leave the meeting room.

**6.08 Public Comments on Items Not on the Agenda.** Any member of the public may address the Board on any item of interest to the public that is within the subject matter jurisdiction of the District that is not on the agenda, subject to the time limits and restrictions for public comments on agenda items. No action shall be taken on any item not appearing on the agenda unless authorized in accordance with the procedures set forth in Government Code Section 54954.2. The Board shall not engage in debate, dialogue, or take action on any matter brought to its attention under public comment, except to refer the matter to staff or to determine that the matter should be included on a future agenda for consideration and action.



**6.09 Manning of Address the Board by an Individual.** A member of the public addressing the Board may give his or her name – in an audible tone of voice for the record. All remarks shall be addressed to the Board as body, not to any individual Director. No person, other than a Director, General Manager or District Counsel, and the person having the floor, shall be permitted to enter into any general discussion without the permission of the Chairperson.

**6.10 Manner of Addressing the Board by a Group of Persons.** Whenever members of the public wish to address the Board on the same subject matter, it shall be proper for the Chairperson to request that a spokesperson be chosen by the group to address the Board and, in case additional matters are to be presented at the time by any member of that group, to limit the number of persons so addressing the Board, so as to avoid repetition before the Board. The Chairperson may set a time limit for each side of an issue. Government Code 54957.9 permits the legislative body to clear the room if the meeting is willfully interrupted so as to render further conduct of the meeting unfeasible.

~~6.11 Correspondence to the Board. All written or electronic correspondence addressed to the Board of Directors is to be sent to the District office. Copies of the written or electronic correspondence and written responses in reply thereto, if any, shall be distributed to each member of the Board together with the next regular agenda or at the next regular meeting of the Board, depending on date of receipt or response.~~

**Commented [RL6]:** It is recommended that this language be removed. There is not a way for staff to enforce this. The current practice is that any correspondence that this mailed to a Board member is distributed to each Board member. If a member of the public emails one Board member only, there is not a way for staff to enforce the distribution of this correspondence.

## **SECTION 7.00 Minutes**

**7.01 Minutes.** The District Secretary shall keep minutes of regular and special meetings of the Board. ~~In addition, the Secretary shall mail or send by electronic media copies of the proposed minutes to the Board Chairperson for review.~~ Copies of said minutes shall be made for distribution to each member of the Board with the agenda for the next regular Board meeting.

**Commented [RL7]:** It is recommended that this language be removed. The minutes are approved by Board action each month.

~~7.02 Audio/ Video Recordings. A video and/or audio tape recording of any meeting of the Board of Directors, including closed sessions, may be made at the request of the Secretary, General Manager or any Director when such request is approved by a majority of the whole Board. Recordings made during closed sessions of the Board are deemed not to be public records.~~

**Commented [RL8]:** It is recommended that this language be removed. Closed sessions items are to be kept confidential. Recording of a closed session meeting could potentially create issues for the District.

**7.03 Record of Motions, Resolutions and Ordinances.** Motions, resolutions or ordinances shall be recorded as having passed or failed, and individual votes will be recorded unless the action was unanimous. All resolutions and ordinances adopted by the Board shall be numbered consecutively starting new at the beginning of each fiscal year.

**7.04 Procedure for Minutes.** The minutes of Board meetings shall be maintained as hereinafter outlined.

### **7.04.01 Procedure:**

- Date, place and type of each meeting;
- Directors present and absent byname;

- Call to order;
- Arrival of tardy Directors by name;
- Pre-adjournment departure of Directors by name, or if absence takes place when any agenda items are acted upon;
- Adjournment of the meeting;
- ~~Record of written notice of special meetings; and,~~
- ~~Record of items to be considered at special meetings.~~

**Commented [RL9]:** It is recommended that this language be removed. There are separate agendas and minutes taken for special meetings.

**7.04.02 Board Actions:**

- Approval or amended approval of the minutes of preceding meetings;
- ~~Complete information as to each subject of the Board's deliberation;~~
- Complete information as to each subject including the roll call record of the vote on a motion if not unanimous;
- All Board resolutions and ordinances in complete context, numbered serially for each fiscal year;
- ~~A record of all contracts entered into;~~
- ~~All employments and resignations or terminations of employment within the District;~~
- ~~A record of all bid procedures, including calls for bids authorized, bids received, and other action taken;~~
- A record by number of all warrants approved for payment;
- Adoption of the annual budget;
- Financial reports, including water and wastewater sales, balances of District checking accounts, and a monthly balance sheet. ~~collections received and deposited and sales of District property, shall be presented to the Board every month;~~
- ~~A record of all important correspondence;~~
- ~~A record of the General Manager's report to the Board;~~
- ~~Approval of all policies and Board-adopted regulations; and~~
- ~~A record of all visitors and delegations appearing before the Board.~~

**Commented [RL10]:** It is recommended that this language be removed. It is redundant. The item listed below it covers this information.

**Commented [RL11]:** It is recommended that this language be removed for several reasons. The General Manager has purchasing authority under a specified amount. This language is redundant because entering into a contract for an amount over the General Manager's limit requires Board action. The District does not have any "employees". Record of all bid procedures, etc. would be included under the specific agenda item. Record of all important correspondence. I am unclear how staff would go about making this determination without Board action. The last two items are already included as part of the minutes.

**Commented [RL12]:**

**7.02 Storage.** The official minutes of the regular and special meetings of the Board shall be saved on the District computer. This computer shall be backed up onto a hard drive that is stored in a safe deposit box that is located at Pacific Premiere Bank. ~~shall be kept in a fire-proof vault or in fire-resistant, locked cabinets.~~ Minutes of the Board of Director meetings shall be public records open to inspection by the public. The Secretary shall make copies available to any person who has made a request in compliance with the California Public Records Request Act.

**Commented [RL13]:** It is recommended that this language be edited. In the event of a natural disaster storing paper copies of minutes onsite does not protect these items.

**SECTION 8.00 Rules of Order for Meetings**

**8.01 General.** Action items shall be brought before and considered by the board by motion in accordance with this policy. These rules of order are intended to be informal and applied flexibly. The board prefers a flexible form of meeting and, therefore, does not strictly follow Robert's Rules of Order.

**8.02 Obtaining the Floor.** Any member of the Board desiring to speak should address the Chairperson and upon recognition by the Chairperson, may address the subject under discussion.

**8.03 Motions.** Any member of the Board, including the Chairperson, may make or second a motion. A motion shall be brought and considered when a member of the Board makes a motion and another Director seconds the motion. The motion is then open to discussion and debate. After the matter has been fully discussed and debated, the Chairperson will call for the vote.

**8.04 Motion to Amend.** A main motion may be amended before it is voted on, either by the consent of the members of the Board who moved and seconded, or by a new motion and second.

**8.05 Motion to Postpone.** A main motion may be postponed to a certain time by a motion to postpone, which is then seconded and approved by a majority of the Board.

**8.06 Motion to Refer to Committee.** A main motion may be referred to a Board committee for further study and recommendation by a motion to refer to committee, which is then seconded and approved by a majority vote of the Board.

**8.07 Motion to Close Debate and Vote Immediately.** As provided above, any member of the Board may move to close debate and immediately vote on a main motion.

**8.08 Motion to Adjourn.** A meeting may be adjourned by motion made, seconded, and approved by a majority vote of the Board before voting on a main motion.

**8.09 Decorum.** The Chairperson shall take whatever actions are necessary and appropriate to preserve order and decorum during Board meetings, including public hearings. The Chairperson may eject any person or persons making personal impertinent or slanderous remarks, refusing to abide by a request from the Chairperson, or otherwise interrupting the meeting or hearing.

#### **SECTION 9.00 Actions and Decisions**

**9.01 Method of Action.** The Board of Directors shall act only by ordinance, resolution or motion in accordance with these policies.

**9.02 Majority/ Quorum.** The majority of the Board shall constitute a quorum for the transaction of business.

**9.03 Majority Vote Required.** No ordinance, resolution or motion shall be passed or shall become effective without the affirmative vote of at least a majority of the members of the Board. Three (3) Directors represent a quorum for the conduct of business. Actions taken at a meeting where only a quorum is present, therefore, require all three (3) votes to be effective (unless a 4/5 vote is required by policy or other law). A member abstaining in a vote is considered as absent for that vote.

Example 1: If 3 of 5 Directors are present at a meeting, a quorum exists and business can be conducted. However, if 1 Director abstains on a particular action and the other 2 -cast "aye" votes, no action is taken because a "majority of the Board" did not vote in favor of the action.

Example 2: If an action is proposed requiring a two-thirds vote and 2 Directors abstain, the proposed action cannot be approved because 4 of the 5 Directors would have to vote in favor of the action.

Example 3: If a vacancy exists on the Board and a vote is taken to appoint an individual to fill said vacancy, 3 Directors must vote in favor of the appointment for it to be approved. If 2 of the 4 Directors present abstain, the appointment is not approved.

**9.04 Recordation of Vote Exceptions.** For action taken by motion without the unanimous vote of all Directors present voting, the names of the Ayes and Noes shall be entered in the minutes. For passage of all ordinances and resolutions, the names of the Ayes, Noes, Abstain and Absent shall be entered into the minutes of the Board.

**9.05 Direction to Staff.** The Board may give directions, however, which are not formal action. Such directions do not require formal procedural process. Such directions include the Board's directives and instructions to the General Manager. The Chairperson shall determine by consensus a Board directive and shall state it for clarification. Should any two Directors challenge the statement of the Chairperson, a voice vote may be requested. A formal motion may be made to place a disputed directive on a future agenda for Board consideration, or to take some other action (such as refer the matter to the General Manager for review and recommendation, etc.). Informal action by the Board is still Board action and shall only occur regarding matters which appear on the agenda for the Board meeting during which said informal action is taken.

**SECTION 10.00 Deviations**

**10.00 Deviations.** No deviation from or failure to follow the procedures set forth in this Code shall invalidate any action or decision of the Board of Directors unless such deviation or failure has substantially prejudiced the rights of an interested person.

**SECTION 11.00 Records**

**11.01 Records.** Public records of the San Simeon Community Services District shall be open to inspection as provided in the California Public Records Act.

**SECTION 12.00 Committees**

**12.01 Standing Committees.** The District has the following standing committees:

- ~~Policy/ Ordinance—This committee shall be concerned with the formulation of plans for arranging, realizing and achieving District goals and concerned with proposed ordinances, resolutions and/or District policies.~~
- Budget/ Finances – This committee shall be concerned with the financial management of the District, including the preparation of an annual budget and major expenditures.
- ~~Water/ Facility—This committee shall be concerned with the formulation of plans for arranging, realizing and/or achieving the District's goals in regard to alternative water sources and facility maintenance and upgrades.~~

Commented [RL14]:

Commented [RL15]: Many of the items that are discussed at the Water Committee (WC) meetings are later presented to the Board. The issue of Board members that are not part of the WC wanting to attend these meetings has been addressed several times. The Board may want to consider just handling WC business as part of the regular Board meetings? Or the WC could meet on an as needed basis when there are specific tasks assigned to them.

**12.02 General Rules Governing Committees.** The Chairperson of the Board of Directors shall appoint members of the Board of Directors to serve on these Standing Committees. The

Chair shall appoint, subject the Board approval, and publicly announce the members of the standing committees for the ensuing year no later than the Board's regular meeting in January. Committees shall be governed by the following policies and rules.

- No more than two Directors of the Board shall serve on any one Committee. Other Directors may attend Committee meetings as observers in accordance with the Brown Act, but have no authority to participate in any way in Committee discussions.
- Committees should focus on matters, which typically require extensive research and review, but should not operate in such a way that they make management decisions better left to paid staff.
- A Committee may take no action. Recommendations for formal action of the Board of Directors are made in the Committee reports.
- Any Committee that is appointed by action of the Board of Directors and/or has members of the public serving on the Committee shall then come under the posting requirements of the Brown Act and shall be open to the public.
- The meetings of Standing Committees shall be held when called by the Chair or other Director member.
- Duties and Functions: At the time the Chairperson forms the Standing Committee, he/she shall give instructions of the duties for each Committee. Additional duties and functions may be delegated by the Chairperson, as the needs arise.
- The Committee shall give a report at the regular meeting of the Board of Directors and if a need to take action should arise, the Committee shall bring a recommendation to the Board of Directors at any duly noticed meeting. The Committee Chairman shall notify the General Manager of items to be placed on the agenda where action is needed, if possible, one week prior to the meeting.

**Commented [RL16]:** Depending on what is decided this language may need to be edited or even removed.

**12.03 Ad Hoc Committees.** Ad hoc Committees may be created by the Board of Directors to undertake special assignments on behalf of the Board. An ad hoc Committee shall exist for a specified term or until its special assignments are completed, whichever comes first, but its existence may be extended for an added term or added assignments by action of the Board. Unless otherwise specified, members of an ad hoc Committee shall be appointed by the Chairperson of the Board and shall serve at the Chairperson's pleasure.

**12.04. Special Committees.** Special Committees may be created by the Board of Directors to undertake special assignments on behalf of the Board. A Special Committee shall continue in existence indefinitely. Unless otherwise specified, members of a Special Committee shall be appointed by the Chairperson of the Board and shall serve at the Chairperson's pleasure.

**12.05 Subcommittees.** Subcommittees may be created by any Standing Committee of the Board of Directors to undertake specific assignments on behalf of the Committee. The Standing Committee creating a Subcommittee shall establish such term, as it deems desirable. Unless otherwise specified, members of a Subcommittee shall be appointed by the Chairman of the Subcommittee's parent Committee and shall serve at the Chairperson's pleasure.

## **SECTION 13.00 Board Conduct**

**13.01 Conflict of Interest.** No Director shall make, participate in or in any way attempt to use his or her official position to influence a decision on any issue when prohibited from doing so by the Political Reform Act of 1974 (Government Code Section 81000, *et seq.*), or any other law. A Director shall, when an agenda item is called, declare that he or she has a conflict of interest, state what the conflict of interest is, and shall remove him or herself from the Board room during the discussion. The Director's removal shall be noted on the record by the District Secretary, who shall also note the Director's return when the item is completed.

**13.02 Ethics.** Directors shall at all times comply with the District's Ethics Policy for Board of Directors. Directors shall comply with the requirements of Government Code Section 53235 by receiving at least two hours of training in general ethics principles and ethics laws relevant to District service every two years and shall file with the District Secretary a copy of the certificate verifying the completion of such training.

**13.03 Decorum of Board of Directors during Board Meetings.** The Directors shall adhere to the following guidelines for conduct during all meetings.

- The dignity, style, values and opinions of each Director shall be respected.
- Responsiveness and attentive listening in communication is encouraged.
- The needs of the District's constituents should be the priority of the Board of Directors.
- Directors should commit themselves to emphasizing the positive, avoiding double talk, hidden agendas, gossip, backbiting, and other negative forms of interaction.
- Directors should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged. Cliques and voting blocs based on personalities rather than issues should be avoided.
- Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but without being disagreeable. Once the Board of Directors takes action, Directors should not create barriers to the implementation of said action.
- In handling complaints from residents and property owners of the District, said complaints should be referred directly to the General Manager.
- The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.
- When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through the General Manager.

**13.04 Other Procedures for Directors.** Directors should practice the following procedures:

- In seeking clarification on informational items, Directors may directly approach professional staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- In handling items related to safety, concerns for safety or hazards should be reported to the General Manager or to the District office. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- In seeking clarification for policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming, said concerns should be referred directly to the General Manager.

- When approached by District personnel concerning specific District policy, Directors should direct inquiries to the appropriate staff supervisor. The chain of command should be followed.
- The work of the District is a team effort. All individuals should work together in the collaborative process, assisting each other in conducting the affairs of the District.
- When responding to constituent requests and concerns, Directors should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.
- Directors should develop a working relationship with the General Manager wherein current issues, concerns and District projects can be discussed comfortably and openly.
- Directors should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.
- Directors are responsible for monitoring the District's progress in attaining its goals and objectives, while pursuing its mission.
- Directors shall thoroughly prepare themselves to discuss agenda items at meetings of the Board of Directors. Information may be requested from staff or exchanged between Directors before meetings.
- Information that is exchanged before meetings shall be distributed through the General Manager, and all Directors will receive all information being distributed.
- Directors shall at all times conduct themselves with courtesy to each other, to staff and to members of the audience present at Board meetings.
- Directors shall defer to the chairperson for conduct of meetings of the Board, but shall be free to question and discuss items on the agenda. All comments should be brief and confined to the matter being discussed by the Board.
- Directors may request for inclusion into minutes brief comments pertinent to an agenda item, only at the meeting that item is discussed (including, if desired, a position on abstention or dissenting vote).
- Directors shall abstain from participating in consideration on any item involving a personal or financial conflict of interest. Unless such a conflict of interest exists, however, Directors should not abstain from the Board's decision-making responsibilities.
- Requests by individual Directors for substantive information and/or research from District staff will be channeled through the ~~General Manager~~. ~~Board Chairperson~~

#### **SECTION 14.00 Training, Education and Conferences.**

**14.00 Educational Conferences.** Members of the Board of Directors are encouraged to attend educational conferences and professional meetings when the purposes of such activities is to improve District operation. Hence, there is no limit as to the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District. "Junkets" (a tour or journey for pleasure at public expense), however, are not permitted.

**14.01 Reimbursement for Educational Conferences.** It is the policy of the District to encourage Board development and excellence of performance by reimbursing expenses incurred for tuition, travel, lodging and meals as a result of training, educational courses,

participation with professional organizations, and attendance at local, state and national conferences associated with the interests of the District.

**14.01.01** ~~The General Manager is~~ **The Board member** is responsible for making arrangements for ~~Directors~~ conference and registration expenses, and for per diem. Per diem, when appropriate, shall include reimbursement of expenses for meals, lodging, and travel. All expenses for which reimbursement is requested by Directors, or which are billed to the District by Directors, shall be submitted to the General Manager, together with validated receipts.

**14.02 Approval by President.** Attendance by Directors of seminars, workshops, courses, professional organization meetings, and conferences shall be approved by the President of the Board of Directors prior to incurring any reimbursable costs.

**14.03 Expenses for Educational Conferences.** Expenses to the District for Board of Directors' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and - housing accommodations put forth by the General Manager and by:

- Utilizing hotel(s) recommended by the event sponsor in order to obtain discounted rates.
- Directors traveling together whenever feasible and economically beneficial.
- Requesting reservations sufficiently in advance, when possible, to obtain discounted airfares and hotel rates.

**14.04 No Educational Activities After Resignation.** A Director shall not attend a conference or training event for which there is an expense to the District if it occurs after they have announced their pending resignation, or if it occurs after an election in which it has been determined that they will not retain their seat on the Board. A Director shall not attend a conference or training event when it is apparent that there is no significant benefit to the District.

**14.05 Report to Board After Educational Conferences.** Upon returning from seminars, workshops, conferences, etc., where expenses are reimbursed by the District, Directors will either prepare a written report for distribution to the Board, or make a verbal report during the next regular meeting of the Board. Said report shall detail what was learned at the session(s) that will be of benefit to the District. Materials from the session(s) may be delivered to the District office to be included in the District library for the future use of other Directors and staff.

## **15.00 Ordinance Adoption Policy**

**15.01 Adoption and Waiting Period.** Ordinances should be adopted on a roll call vote. Unlike cities and counties, a community services district does not have a first and second reading prior to an adoption. Rather, the appropriate motion to adopt an ordinance would be to move adoption of Ordinance No. \_\_\_ entitled "\_\_\_\_\_." Ordinarily, it is advisable to have a 30-day waiting period before the effective date of the ordinance, although, unlike city and county adopted ordinances, this is not a mandatory requirement.

**15.02 Publication Requirements.** Unlike cities and counties, there is no overall requirement for publication of all ordinances. However, it is a good practice to publish



adopted ordinances in a newspaper of general circulation in the area (such as The Cambrian, Sun-Bulletin, or Telegram Tribune) within 15 days after passage. Some types of ordinances may have specific requirements for publication of the ordinance before their effective date. This sometimes includes Federal or State grant projects. Likewise, there is not a general requirement for all ordinances to be adopted after public hearing. However, some specific actions require public hearings, such as certain grant projects or increases in fees. District Counsel should either prepare all District resolutions and ordinances or carefully review drafts of such documents prior to their placement on the board's agenda to insure that any notice, hearing, or format requirements are met.

**15.03 Reading and Alterations.** All ordinances shall be read in full either at the time of introduction or passage, except when, after reading the title, further reading is waived by regular motion adopted by unanimous vote of the Board by the directors present. Corrections of typographical or clerical errors are not alterations within the meaning of this section.

**15.04 Enacting Clause of Ordinance.** The form of enacting clause of all ordinances passed by the Board shall be: "Be it ordained by the Board of Directors of the San Simeon Community Services District as follows".

**15.05 Execution of Ordinances.** All ordinances shall be signed by the Chairperson and attested by the District Secretary.