

**MINUTES**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS SPECIAL BOARD MEETING**  
**Thursday, September 9, 2021**  
**5:00 pm**

**Internet Meeting Location – Via ZOOM**

**1. REGULAR SESSION: 5:20 PM**

- A.** Chairperson Kellas – Present  
Vice-Chairperson Giacoletti – Present  
Director Carson – Present  
Director Maurer – Present  
Director de la Rosa – Present

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

**Public Comment –**

(55) Tim Mayer commented on the Reverse Osmosis building and asked that the contract for GES be made public. He also inquired about the amount of liability insurance that GES has.

(3:00) Karina Tiwana asked the Board to answer the question if Charles Grace is the General Manager for the San Simeon CSD. She also commented about the local beach and the amount of homeless people being a potential public health issue.

(6:15) Julie Tacker asked who the General Manager is. She also commented that the District website had been down most of the day and that the public was not able to access the Board meeting agenda. She also commented on the insurance claim that was filed with SDRMA. She asked if Charles Grace was the General Manager.

(10:08) Henry Krzciuk commented about who the San Simeon CSD General Manager is. He showed a video of the California Coastal Commission hearing.

(17:15) Michael Donahue stated the District should not have in-person Board meetings. He also asked who the General Manger of the District is.

(19:45) Vice-Chairperson Giacoletti commented on the amount of homeless persons in San Simeon. She also commented on environmental consequences.

(22:20) Director Carson commented on the Hearst Encroachment and the RO building asking that the District consider working with the Hearst Corporation to purchase the land.

(26:30) Michael Cruz commented (inaudible). He then reaffirmed the comments made by Karina Tiwana and Tim Mayer related to GES general liability insurance.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. STAFF REPORTS:**

- i. Sheriff's Report** – No report was given.
- ii. CHP Report** – No report was given.
- iii. Superintendent's Report** – (29:36) Jerry Copeland provided a summary of September activities.
- iv. General Manager's Report** – (31:09) Charlie Grace provided a summary of September activities. The call was disconnected.
- v. District Financial Summary** – (31:50) Cortney Murguia provided a summary of September financials. (33:55) Cortney Murguia provided a partial General Manager's report. (35:12) Charles Grace joined the meeting and finished providing the General Manager's Report.

- vi. **District Counsel's Report** – (36:50) Joshua George provided a summary of September activities.
- vii. **Board Member Report** – No report was given.

**A. AD-HOC COMMITTEE REPORTS:**

- i. Status Update Disbursements Journal Review Committee – (37:30) Director Maurer provided an update. Vice-Chairperson Giacoletti commented on the CALPERS payment on the disbursements journal.
- ii. Status Update Policy & Procedures Committee – (40:35) Chairperson Kellas provided an update.
- iii. Status Update parking on District streets – (40:46) Director de la Rosa provided an update.
- iv. Status Update Budget Committee – (42:10) Director Maurer provided an update.
- v. Status Update Water Committee – No update was provided.

**Public Comment – Special Presentations and Reports**

- (42:45) Julie Tacker commented.
- (46:00) Karina Tiwana commented.
- (49:00) Henry Krzciuk commented.
- (52:45) Michael Donahue commented.
- (53:50) Michael Hanchett commented.
- (54:58) Julie Tacker commented.

**4. CONSENT AGENDA ITEMS:**

**Public Comment –**

- (56:00) There was no public comment.

**A. Review and approval of Minutes for the Regular Meeting on August 12, 2021.**

**B. Review and approval of Minutes for the Special Meeting on August 20, 2021.**

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

- (56:35) Director Maurer asked why the invoices for legal services and environmental were not part of the disbursements journal.

**Public Comment –**

- (58:20) Julie Tacker commented.
- (1:02:00) Henry Krzciuk commented.

(1:07:00) A motion was made to approve the meeting minutes and the disbursements journal.

Motion: Chairperson Kellas  
2nd: Director de la Rosa  
Vote: 5/0  
Absent: 0

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

**5. BUSINESS ACTION ITEMS:**

**A. REVIEW AND APPROVAL OF DRAFT SOLID WASTE RULES AND REGULATIONS. (1:08:00)**

**Public Comment –**

(1:08:25) Michael Hanchett commented.

(1:09:15) Henry Krzciuk commented.

(1:10:52) Julie Tacker commented.

(1:14:10) Vice-Chairperson Giacoletti stated that she thought this matter had already been approved. She asked for clarification about what the Board was voting on. There was additional discussion between the Chairperson and District Counsel Josh George.

(1:15:40) A motion was made to approve the rules and regulations to become a member agency of the San Luis Obispo County IWMA.

Motion: Chairperson Kellas

2nd: Director Carson

Vote: 2/3

Abstain: 3

Roll Call: Kellas: Yes    Giacoletti: Abstain    Carson: Yes    de la Rosa: Abstain    Maurer: Abstain

\*(1:16:40) This item was tabled until the next meeting.

**B. AUTHORIZATION TO RESCHEDULE REGULAR MONTHLY BOARD MEETINGS.**

(1:17:10)

(1:17:50) There was discussion between the Board members about moving the meetings to Tuesdays.

**Public Comment –**

(1:18:20) Michael Donahue commented.

(1:19:40) Julie Tacker commented.

(1:22:05) Henry Krzciuk commented.

(1:24:35) Vice-Chairperson Giacoletti commented that several members in the community had requested that the Board return to in-person meetings.

(1:25:20) A motion was made to reschedule the regular Board meetings to the 2<sup>nd</sup> Tuesday of the month at 5pm.

Motion: Chairperson Kellas

2nd: Vice-Chairperson Giacoletti

Vote: 5/0

Absent: 0

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

(1:26:00) The Board took a five (5) minute recess.

**C. REVIEW AND RATIFICATION OF PROPOSAL FOR SURVEYING SERVICES WITH MBS LAND SURVEYS NOT TO EXCEED THE AMOUNT OF \$7,000.00. (1:26:40)**

Chairperson Kellas introduced the item.

(1:28:25) Director de la Rosa asked if a survey had already been completed. Chairperson Kellas and Director de la Rosa discussed the difference between a chain of title and a boundary survey.

(1:30:50) Vice-Chairperson Giacoletti asked for a summary of the item.

(1:33:12) Director Carson commented that the District had received conflicting information about the ownership stating that he thought this work should be done.

(1:35:50) Director Maurer inquired about the timeline for completion of this survey.

**Public Comment –**

(1:37:40) Michael Donahue commented.

(1:39:40) Henry Krzciuk commented.

(1:42:55) Karina Tiwana commented.

(1:47:00) Julie Tacker commented.

(1:50:35) Michael Hanchett commented.

(1:52:58) Miguel Sandoval commented.

(1:53:30) David Sansone commented.

(1:57:15) Director Carson stated that he did not look at the Hearst Corporation as an adversary stating that he believed that they were a good neighbor.

(1:58:25) Director de la Rosa thanked David Sansone for providing technical clarity on this matter.

(1:59:00) A motion was made to approve accept the proposal not to exceed the amount of \$7,000.00.

Motion: Chairperson Kellas

2nd: Director Carson

Vote: 4/1

Abstain: 1

Roll Call: Kellas: Yes    Giacoletti: Yes    Carson: Yes    de la Rosa: Yes    Maurer: Abstain

**D. DIRECTION TO STAFF REGARDING CUSTOMER'S REQUESTS FOR CREDIT ON UTILITY BILLS. (1:59:55)**

(2:00:00) Chairperson Kellas introduced the item. She and Josh George discussed if issuing credits to customers could be construed as a gift of public funds.

(2:04:30) Director Carson asked Josh George if District Counsel was aware of any of their existing clients having a utility billing credit policy.

**Public Comment –**

(2:06:20) Jerry Maclaughlin (Real Property Management - property manager for HOA) commented.

(2:09:00) Michael Donahue commented.

(2:10:50) Julie Tacker commented.

(2:13:10) Karina Tiwana commented.

(2:15:40) A motion was made to direct staff and the individual directors to research this matter further and provide potential solutions. (Item to be on the October Board meeting agenda)

Motion: Chairperson Kellas  
2nd: Director Carson  
Vote: 5/0  
Absent: 0

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

**6. CLOSED SESSION: (2:17:10)**

**Public Comment –**

(2:17:50) Karina Tiwana commented.  
(2:21:20) Henry Krzciuk commented.  
(2:24:33) Julie Tacker commented.  
(2:27:40) Michael Donahue commented.  
(2:28:12) Michael Hanchett commented.  
(2:30:10) April Dury commented.

(2:32:30) Director Carson stated that he was recusing himself from the Hather litigation matter. He asked Josh George (District Counsel) for further clarification on this item. Josh suggested that item 6B be discussed first in closed session.

**The Board will adjourn to Closed Session to address the following items: (2:36:40)**

- A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
(Government Code Section 54956.9(d)(1))  
Name of case: Robert Hather v. San Simeon Community Services District**
  
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54957(b)(1))  
Title: General Manager Services**

**\*\*\*\*RECONVENE TO OPEN SESSION\*\*\*\***

**Report on Closed Session (2:37:32)**

Directors present: Kellas, Giacoletti, and de la Rosa (quorum)

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

Vice-Chairperson Giacoletti asked that the strength of the moratorium be added to the agenda.

**8. ADJOURNMENT @ 9:14 PM**