

MEETING MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR BOARD MEETING
Tuesday, August 9, 2022
5:00 pm

Pursuant to San Simeon CSD Resolution 22-452 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

1. REGULAR SESSION @ 5:00 PM

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

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment –

(1:50) Bob Hather commented that he had researched that water usage associated with Pico Creek. He further stated that he was looking for as-built plans associated with his property. He went on to discuss the Coastal Plan associated with both residential and commercial building.

(5:00) Julie Tacker commented that the July 12, 2022 meeting minutes had not been made available. She went on to state that the Chairperson needed to be censored. She referenced an email sent to the Executive Director of LAFCO. She also mentioned the horse trough and the offer from Mike Hanchett to pay for these charges.

(8:45) Karina Tiwana commented that she agreed with Mr. Hather’s comments about the allocation order associated with the water waitlist and that people serving on District committees that have a conflict of interest should not be allowed to sit on this committees.

(10:20) Henry Krzciuk commented about Jeff Oliveira continuing to work for the District stating that the District was putting him in an awkward position. Further stating that he should stop work until he had been authorized to continue working.

(14:00) Director Donahue stated that he would be out of the Country starting August 30, 2022. He asked that the special meeting that was scheduled for August 30, 2022 be moved to August 23, 2022.

3. SPECIAL PRESENTATIONS AND REPORTS: (15:43)

A. STAFF REPORTS:

- i. **Sheriff’s Report** – Sergeant Hank Abbas provided a report for the month of July.
- ii. **CHP Report** – None.
- iii. **Superintendent’s Report** – (17:00) Charlie Grace provided a summary of July activities.
- iv. **General Manager’s Report** – (20:15) Charlie Grace provided a summary of July activities. Director Donahue asked about a boundary survey for Pico Stairs.

- v. **District Financial Summary** – (23:57) Charlie Grace provided a summary of July financials.
- vi. **District Counsel’s Report** – (26:00) Jeff Minnery provided a summary of July activities. There was discussion related to the Board members being able to review unredacted legal invoices.
- vii. **Board Member Report** – (34:38) Chairperson Kellas discussed the notice of election that had been sent from the County of San Luis Obispo. Chairperson Kellas read the notice from the County.

B. AD-HOC & STANDING COMMITTEE REPORTS:

- i. **Status Update** – Director Donahue provided a summary of the Parking/Camping on District Streets stating that there was no further progress.
- ii. **Status Update** – (37:05) Chairperson Kellas discussed correspondence from an HOA related to the Coastal Hazard Response Plan (CHRP).
- iv. **Status Update** – (38:25) Budget Committee – Chairperson Kellas stated that there was no report but that this committee had a vacancy and any member of the public interested in applying should do so.
- v. **Status Update** – Water Committee – Chairperson Kellas stated that there was no report but that this committee had a vacancy and any member of the public interested in applying should do so.

(39:17) Director Donahue discussed the interest rate associated with the money market account. He suggested that the District should move the money into a different account with a higher interest rate. There was further conversation between Charlie Grace, Cortney Murguia, and Director Donahue about this matter. Director Donahue stated that he would research this matter.

Public Comment –

- (43:45) Karina Tiwana commented.
- (47:35) Julie Tacker commented.
- (51:00) Henry Krzciuk commented.

4. CONSENT AGENDA ITEMS:

~~**A. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR MEETING ON JULY 12, 2022.**~~ (There were no minutes provided)

B. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.

C. ADOPTION OF RESOLUTION 22-455 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.

- D. AUTHORIZATION AND APPROVAL OF A CONTRACT WITH PADRE ASSOCIATES, INC TO PROVIDE ENVIRONMENTAL PLANNING AND PERMITTING SERVICES TO THE DISTRICT FOR THE PERIOD OF THREE YEARS.**
- E. AUTHORIZATION AND APPROVAL OF A CONTRACT WITH CRISCOM TO PROVIDE GRANT WRITING SERVICES TO THE DISTRICT FOR THE PERIOD OF THREE YEARS.**
- F. AUTHORIZATION AND APPROVAL OF A CONTRACT WITH ASHLEY AND VANCE ENGINEERING, LLC TO PROVIDE ENGINEERING SERVICES RELATED TO THE PIPE BRIDGE.**
- G. APPROVAL OF CONTRACT AMENDMENT(S) WITH DUDEK, LLC RELATED TO THE COASTAL HAZARD RESPONSE PLAN (CHRP).**

(57:28) Director Donahue asked that the legal bills be pulled and this matter be added to the August 23, 2022 Special meeting agenda. He also asked for clarification on the contractual language for the Criscom contract. Charlie Grace provided additional information about this item.

Public Comment –

(1:03:08) Karina Tiwana commented.
(1:04:15) Julie Tacker commented.
(1:07:40) Henry Krzciuk commented.

(1:11:50) A motion was made to approve consent Agenda items B-G with modification to the contractual language related to items D,E,F and approval of the disbursements journal to exclude the legal bills.

Motion: Chairperson Kellas
2nd: Director Donahue
Vote: 3/0
Absent: Vice-Chairperson Giacoletti

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

5. BUSINESS ACTION ITEMS:

- A. DISCUSSION AND REVIEW OF HARDSHIP WAIVER REQUESTS RELATED TO REQUEST FOR WATER WILL SERVE LETTERS. (1:13:02)**

Chairperson Kellas provided a summary of this item.

There was discussion between Chairperson Kellas, Director Donahue, and Jeff Minnery about granting hardships and what was allowable under the current Ordinance.

Public Comment –

(1:20:40) Henry Krzciuk commented.

(1:23:25) Karina Tiwana commented.

(1:26:05) Julie Tacker commented.

(1:29:02) Sherry Brajich commented.

(1:31:00) Chairperson Kellas stated that she had created a hardship form and that it should be mailed to the people on the waitlist that had filed a hardship request. Further stating that when the forms were returned a special meeting could occur to review the hardship requests. (Motion)

Director Donahue seconded this item.

Motion: Chairperson Kellas

2nd: Director Donahue

Vote: 3/0

Absent: Vice-Chairperson Giacoletti

Roll Call:

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

B. DIRECTION TO STAFF REGARDING DISTRICT ORDINANCE NO. 117 AMENDING AND RESTATING THE DISTRICT'S WATER CONSERVATION PLAN. (1:32:30)

Chairperson Kellas introduced the item. Director Donahue proposed making changes (amending) Ordinance 117. He further suggested that the District needed a water rights attorney to help the District with this matter. There was additional conversation between Chairperson Kellas and Director Donahue regarding this matter.

Director Donahue made a motion to leave the Ordinance as is.

2nd: Chairperson Kellas

Public Comment –

(1:40:40) Henry Krzciuk commented.

(1:42:30) Julie Tacker commented.

(1:45:00) Karina Tiwana commented.

(1:48:25) A motion was made to leave Ordinance 117 as is.

Motion: Director Donahue

2nd: Chairperson Kellas

Vote: 2/1

Absent: Vice-Chairperson Giacoletti

Roll Call:

Kellas: Yes Giacoletti: Absent de la Rosa: Yes Donahue: No

(1:49:35) A motion was made to lift the water emergency notices from being sent out in the mail with the billing notices. (Pursuant to Section 8 of the Ordinance)
There was no 2nd.

C. DISCUSSION REVIEW AND APPROVAL OF SUPPLEMENTAL INSURANCE QUOTE PROVIDED BY INDIAN HILL AND DIRECTION TO THE AD-HOC COMMITTEE TO COORDINATE WITH SDRMA TO INCREASE DEDUCTIBLES. (1:51:40)

Chairperson Kellas introduced the item. Director Donahue provided information on the research that he had gathered related to this information. Director Donahue and Chairperson Kellas further discussed this matter.

Public Comment –

(2:04:15) Henry Krzciuk commented.

(2:06:05) Julie Tacker commented.

(2:09:35) Karina Tiwana commented.

(2:15:36) There was a motion to table this item until the September Board meeting.

Motion: Director Donahue

2nd: Chairperson Kellas

Vote: 3/0

Absent: Vice-Chairperson Giacoletti

Roll Call:

Kellas: Yes Giacoletti: Absent de la Rosa: Yes Donahue: No

6. CLOSED SESSION: (2:16:00)

Public Comment –

(2:16:55) Henry Krzciuk commented.

(2:19:30) Mike Cruz commented.

A. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code § 54956.9. One (1) Potential Case - Cavalier Inn, Inc., et al.

B. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS

Pursuant to Government Code §54956.8: Conference with Real Property Negotiators. Property: (APN: 013.091.027 East end of Pico Avenue); Agency negotiators: District Board of Directors, Charles Grace, and Jeff Minnery. Negotiating Parties: Director de la Rosa, Charles Grace, Jeff Minnery for the District; Ron Hurlbert for the subject property

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

Report on Closed Session: There was no reportable action.
(There was no quorum)

7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS – None

8. ADJOURNMENT @ 8:26 PM