

**NOTICE AND CALL OF A SPECIAL MEETING
AGENDA
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS CLOSED SESSION MEETING
Thursday, August 20, 2020
3:00 pm**

I, Gwen Kellas, Chairperson of the San Simeon Community Services District Board of Directors, hereby call a Special Meeting of the Board of Directors, pursuant to California Government Code Section 54956. The Special Meeting will be held pursuant to Governor Gavin Newsom's Executive Order N-29-20 dated March 17, 2020 and the San Luis Obispo County Local Emergency Order and Regulation regarding COVID-19 dated March 18, 2020, this meeting shall occur as a virtual teleconference using the Zoom app. Members of the public cannot physically attend this meeting. The purpose of the Special Meeting is to discuss or transact the following business:

Internet Meeting Location

Join Zoom Meeting

<https://us02web.zoom.us/j/9270537206?pwd=RDNNcTErb2E1TmswRG51WGNEZVJLQT09>

Meeting ID: 927 053 7206

Password: 114376

One tap mobile

+1 669 900 9128, 9270537206# US (San Jose)

+1 346 248 7799, 9270537206# US (Houston)

Time: Aug 20, 2020 03:00 PM Pacific Time

NOTE: On the day of the meeting, the virtual meeting room will be open beginning at 2:30 PM. If you are unable to access the meeting please contact the District office at (805) 927-4778 prior to the 3:00 PM meeting start time and staff can assist you in accessing the meeting. Should you have any questions related to the information on this agenda or if you wish to submit public comment in the written format you can email Cortney Murguia at admin@sansimeoncsd.org. Members of the public can also contact the District office at (805) 927-4778 with any questions or concerns related to this

1. CLOSED SESSION: 3:00 PM

A. Roll Call

2. 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. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

3. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

- A. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (Number of cases: 1)
- B. Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (Number of cases: 1 – Manish Gupta)

4. RECONVENE TO OPEN SESSION – An announcement of any reportable action taken in closed session will be made in open session.

5. ADJOURNMENT

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.

**MANISH ENTERPRISES INC.
9490 Avonne Ave.
SAN SIMEON, CA 93452**

San Simeon Community Services District
9245 Balboa Ave.
San Simeon, CA 93452

June 8, 2020

Re: 9490 Avonne Ave. San Simeon, CA 93452

Dear Respected Board Members,

My name is Manish Gupta and I am the owner of the Oceanside Apartments on 9490 Avonne Ave. San Simeon, CA. 93452.

I'd like to request a review of my water bill since December 6, 2013 (12/6/13).

Specifically, I would like to have the sewer rates reviewed.

I believe that when the address above was approved from commercial to multi-family residential on December 6, 2013, the rate structure for the water bill was not changed to reflect it.

Thus, I have been paying commercial water rates rather than residential multi-family.

Please advise on the credit amounts due.

I look forward to hearing from you.

Sincerely,

Manish Gupta

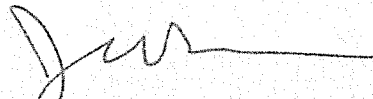
**San Simeon CSD
Ordinance
Rate Increases**

Fiscal Year	09-10	09-10	10-11	11-12	12-13	13-14	14-15	15-16	16-17	17-18	18-19	19-20	20-21	21-22
Ordinance	#103	#105	#105	#105	#105	#105	#110	#110	#110	#110	#110	#121	#121	#121
Ordinance Adopted	8/9/2007	8/12/2009	8/12/2009	8/12/2009	8/12/2009	8/12/2009	11/11/2011	11/11/2011	11/11/2011	11/11/2011	11/11/2011	8/14/2019	8/14/2019	8/14/2019
Ordinance Effect	7/1/2009	9/1/2009	7/1/2010	7/1/2011	7/1/2012	7/1/2013	7/1/2014	7/1/2015	7/1/2016	7/1/2017	7/1/2018	9/25/2019	7/1/2020	7/1/2021
Meter Charge														
Per Month - Per Meter	\$15.36	\$16.74	\$18.28	\$20.44	\$23.04	\$25.80	\$27.37	\$28.10	\$30.82	\$32.33	\$34.20	\$36.18	\$37.27	\$38.39
% increase	4.50%	9.00%	9.20%	11.80%	12.7%	12.0%	6.1%	6.3%	5.9%	4.9%	5.8%	5.8%	CPI+3.0%	CPI+3.0%
Water Rates														
Per 100cf Water Used														
All Users	\$5.49	\$5.98	\$6.53	\$7.30	\$8.23	\$9.22	\$9.78	\$10.40	\$11.01	\$11.55	\$12.22	\$12.93	\$13.32	\$13.72
% increase	4.50%	9.00%	9.20%	11.80%	12.7%	12.0%	6.1%	6.3%	5.9%	4.9%	5.8%	5.8%	CPI+3.0%	CPI+3.0%
Irrigation Meters	\$8.80	\$9.59	\$10.95	\$12.24	\$13.79	\$15.44	\$16.38	\$17.41	\$18.44	\$19.34	\$20.47	\$21.65	\$22.30	\$22.97
% increase	4.50%	9.00%	14.20%	11.80%	12.7%	12.0%	6.1%	6.3%	5.9%	4.9%	5.8%	5.8%	CPI+3.0%	CPI+3.0%
Sewer Rates														
Per 100cf Water Used														
Motels	\$5.38	\$6.13	\$7.00	\$8.18	\$9.62	\$11.26	\$11.95	\$12.70	\$13.45	\$14.11	\$14.93	\$15.79	\$16.27	\$16.75
% increase	4.50%	14.00%	14.20%	16.80%	17.7%	17.0%	6.1%	6.3%	5.9%	4.9%	5.8%	5.8%	CPI+3.0%	CPI+3.0%
Residences	\$3.31	\$3.77	\$4.31	\$5.03	\$5.92	\$6.93	\$7.35	\$7.82	\$8.28	\$8.68	\$9.19	\$9.72	\$10.01	\$10.31
% increase	4.50%	14.00%	14.20%	16.80%	17.6%	17.1%	6.1%	6.3%	5.9%	4.9%	5.8%	5.8%	CPI+3.0%	CPI+3.0%
Restaurants	\$8.34	\$9.50	\$10.85	\$12.67	\$14.91	\$17.44	\$18.50	\$19.67	\$20.83	\$21.85	\$23.12	\$24.46	\$25.19	\$25.95
% increase	4.50%	14.00%	14.20%	16.80%	17.7%	17.0%	6.1%	6.3%	5.9%	4.9%	5.8%	5.8%	CPI+3.0%	CPI+3.0%
Commercial	\$3.31	\$3.77	\$4.31	\$5.03	\$5.92	\$6.93	\$7.35	\$7.82	\$8.28	\$8.68	\$9.19	\$9.72	\$10.01	\$10.31
% increase	4.50%	14.00%	14.20%	16.80%	17.6%	17.1%	6.1%	6.3%	5.9%	4.9%	5.8%	5.8%	CPI+3.0%	CPI+3.0%
Irrigation	none	none	none	none	none	none	none	none	none	none	none	none	none	none
% increase														
Recycled Water														
							0.0074	0.0083	0.0088	0.0092	0.0098	0.0103	0.0109	0.0116

Account Number	<u>279</u>	<u>278</u>	
Total Credit for 2020	\$ 5,201.36	\$ 442.26	
Total Credit for 2019	\$ 13,788.16	\$ 4,663.99	
Total Credit for 2018	\$ 2,845.24	\$ 13,917.97	
Total Credit for 2017	\$ 2,731.53	\$ 12,945.69	
Total Credit for 2016	\$ 4,244.93	\$ 9,834.15	
Total Credit for 2015	\$ 1,971.84	\$ 11,454.80	
Total Credit for 2014		\$ 10,634.28	
Grand Total	<u>\$ 30,783.06</u>	<u>\$ 63,893.14</u>	\$ 94,676.20

Attached are the documents summarizing my client's claim, which totals \$94,676.20. He would welcome discussion of avenues for repayment of these overcharges.

Belsher Law, PC



John W. Belsher, Esq. Attorney for
Manish Gupta and Manish Enterprises, Inc.

JWB//llm

Cc:

Client

Natalie Frye Laacke (nfryelaacke@ammcglaw.com)

**MANISH ENTERPRISES INC.
9490 Avonne Ave.
SAN SIMEON, CA 93452**

San Simeon Community Services District
9245 Balboa Ave.
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June 8, 2020

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Please advise on the credit amounts due.

I look forward to hearing from you.

Sincerely,

Manish Gupta

RECEIVED



486 Marsh Street, Suite C
San Luis Obispo, CA 93401
805-316-0508

JUL 07 2020

BY: CAM

July 1, 2020

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

Via: Email & US Postal Service

Re: Oceanside Apartments at 9490 Avonne Ave; Claim of Manish Enterprises, Inc., owner

Dear Board Members:

I represent Manish Gupta and Manish Enterprises, Inc., concerning the referenced apartment property in San Simeon. Recently Mr. Gupta presented the attached request for consideration of overcharges. I am informed your staff intends to recommend a zero reimbursement for the overcharges on his apartment complex, based on advice of counsel. I find this to be quite an indefensible position and wish you to consider this matter from a Board management perspective.

As you are aware, the billing rate for sewer is clearly differentiated in the District ordinances between motel use and the apartment use. My client recently discovered that since 2014 the District has been charging the meters associated with this property, 278 and 279, the motel rate for sewer, even though it has been in use as an apartment all this time, having been converted from motel use by County approval in 2013 and construction efforts in 2014. The rate has been recently corrected to apartment use, per the attached 2020 billings for meters (278 and 279). These can be compared to the 2020 billings for these same meters, also attached.

The District has been fully aware since at least 2014 of the use of the property as apartments. The District was aware of the County approval in 2013 to convert this use from motel to apartments as it was a referral agency and had to sign off prior to County approval. The District also signed off on construction cards during construction of the conversion in 2014. This utility had a responsibility to charge the correct rate on this use and did not. That is a clear overcharge and my client should receive a full refund of his claim for all years of the overcharge.