

MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR MEETING
Thursday, May 13, 2021
5:00 pm

Internet Meeting Location – via ZOOM

1. REGULAR SESSION @ 5:05 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 – (4:15)

Julie Tacker commented on the May 6, 2021 letter from SLO County related to the grant inquiries and the Hearst easement matter, the Hurlbert encroachment, complaints from the public that had not been responded too, and public records requests that had not been filled.

Michael Donahue spoke stating that he agreed with Julie Tacker’s comment about the County’s grant inquiry letter needing to be added to the meeting agenda.

Henry Krzciuk commented on May 6th letter from SLO county related to the grant inquiry. He also commented on an alleged Brown Act violation.

Michael Hanchett commented and thanked staff and the Board for their work and dedication. He listed several projects that had been successfully completed by staff.

(16:18) Vice-Chairperson Giacoletti inquired about the lack of a closed session on the meeting agenda, stating that she believed another closed session was supposed to occur.

(18:45) Director Maurer spoke stating that he wanted to speak about the cancellation of the Budget Committee meeting and the inquiry from the County regarding grant monies.

(21:05) Chairperson Kellas followed up on the question from Vice-Chairperson Giacoletti asking District Counsel to clarify if closed session should have occurred.

(23:00) Director Maurer clarified that he thought that no reportable action had been taken during closed session.

3. SPECIAL PRESENTATIONS AND REPORTS:

A. STAFF REPORTS:

- i. **Sheriff’s Report – (24:12)** Chris Langton provided the report for the month of April.

(27:55) Michael Hanchett commented and Henry Krzciuk commented.

(31:05) Tina Dickason was allowed to speak because of technical difficulties during the public comment period. She asked about the presence of Greg Sanders during the April closed session.

- ii. **Superintendent's Report** – (31:28) Jerry Copeland provided a summary of April activities.
- iii. **General Manager's Report** – (33:55) Charles Grace provided a summary of April activities.
- iv. **District Financial Summary** – (35:42) Charles Grace provided a summary of April financials.
- v. **District Counsel's Report** – (37:15) Jeffrey Minnery provided a summary of April activities.

A. AD-HOC COMMITTEE REPORT:

- i. **Status Report** – (39:45) Director Maurer provided a summary of what the ad-hoc committee was working on stating that they were continuing to prepare their findings for the Board.

B. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:

Public Comment –

(40:10) Henry Krzciuk commented.

(42:45) Julie Tacker commented.

(46:40) Michael Hanchett commented.

(49:40) Director Maurer asked Jeffrey Minnery about the number of public records request and the number of people who were submitting these requests.

4. CONSENT AGENDA ITEMS:

A. Review and approval of Minutes for the Regular Meeting on April 8, 2021.

B. Review and approval of Minutes for the Special Meeting on April 22, 2021.

C. Review and approval of Disbursements Journal.

(53:10) Director Maurer inquired about the Oliveira Environmental Consulting invoice and what agreement was being used to cover the billing costs. He also inquired about the charges for the services provided by Paavo Ogren.

Public Comment –

(57:00) Julie Tacker commented.

(1:00:06) Henry Krzciuk commented.

(1:02:50) A motion was made to approve the consent agenda items A-C.

Motion: Chairperson Kellas

2nd: Director Carson

Vote: 5/0

Abstain:

5. BUSINESS ACTION ITEMS:

A. Update and Discussion regarding Paavo Ogren contract related to the moratorium. (1:03:05)

Charles Grace introduced the item.

(1:07:20) Director Carson asked if Paavo Ogren was present. He also asked if Mr. Ogren was absent because he was not interested in the contract being renewed. Jeffrey Minnery provided a response stating that Mr. Ogren had a previous engagement.

(1:08:50) Director Maurer commented that he was having a hard time following the flow chart.

(1:11:20) Chairperson Kellas and Director Maurer discussed the possibility of contacting persons on the waitlist to see if they were still interested in building.

(1:11:52) Vice-Chairperson Giacoletti commented that without the presence of Mr. Ogren to provide an explanation about the handouts, she was also having a hard time following the numerical items on the flow chart. Chairperson Kellas provided an explanation about the steps and how the need for CEQA would or would not impact the flow of the items.

(1:14:52) Director Maurer asked if the original contract funds allotted to Paavo Ogren had been used up. Chairperson Kellas provided an answer stating that they had been used up.

(1:15:30) Director de la Rosa asked if there was any duplication in the work that Paavo Ogren was doing, and if any of this work was being completed by the District's other consultants. Charlie Grace responded that these efforts were not being duplicated.

Public Comment –

(1:18:12) Henry Krzciuk commented.

(1:21:18) Julie Tacker commented.

(1:24:30) David Sansone commented.

(1:27:05) Michael Hanchett commented.

(1:29:00) Director Carson asked Mr. Krzciuk to please email him the notes related to drought calculations. He also stated that it was difficult to make any decision about the renewal of the contract without Mr. Ogren being present at the meeting.

(1:32:05) Director Maurer asked that Mr. Krzciuk please email him the notes related to drought calculations. Director Maurer concurred with Director Carson's comments. Director de la Rosa spoke and asked if it would be possible to establish a requirement that Mr. Ogren please provide a monthly status report.

(1:33:50) Vice-Chairperson Giacoletti commented that she disagreed with Mr. Krzciuk's comments regarding the order of events related to the issuance of will serve letters.

(1:36:58) Jeffrey Minnery confirmed that he had called Mr. Ogren during the Board's discussion and confirmed that Mr. Ogren wanted to continue working with the District. Chairperson Kellas responded that there were two options on the table related to moving forward with Mr. Ogren. Director Carson proposed the idea of approving another 30 hours of time to allow Mr. Ogren to continue his work.

(1:39:27) Vice-Chairperson Giacoletti suggested that perhaps the item should be tabled until July.

(1:40:45) Director de la Rosa suggested that the District may wish to continuing using Mr. Ogren in an incremental fashion. Director Carson also proposed that the District may wish to find a middle ground that worked for both parties and again suggested allowing for an additional thirty (30) hours. Director Maurer said that he was in-between de la Rosa and Carson and proposed allowing an additional ten (10) hours of time for Mr. Ogren to continue his work. Chairperson Kellas said that \$1,000.00 would allow for 5.5 hours.

(1:45:55) Director Carson made a motion to allow an additional 25 hours of time on Paavo Ogren's contract.

Motion: Director Carson
2nd: Director Maurer
Vote: 3/2
Abstain:

Roll Call: Kellas: Yes Giacoletti: No Carson: Yes Maurer: Yes de la Rosa: No

B. Direction to staff regarding the responses from the request for proposal related to the Coastal Hazard Response Plan (CHRP). (1:50:24)

Charles Grace introduced the item. There was discussion amongst staff about which representatives from Dudek and Hassan were present at the meeting.

(1:54:20) Director Maurer questioned the representatives from Hassan Consultants about what their approach would be related to the requirements from the Coastal Commission regarding the Local Coastal Plan (LCP).

Public Comment –

(1:59:10) Henry Krzciuk commented.

(2:00:58) Julie Tacker commented. (There was a sidebar about conflict of interest with Chairperson Kellas.)

(2:04:52) Michael Hanchett commented.

(2:06:55) David Sansone commented.

(2:08:25) Director Maurer stated the District should move forward with awarding a contract.

(2:09:58) Vice-Chairperson Giacoletti commented that she thought that Hassan was more qualified to perform the work.

(2:10:10) Chairperson Kellas commented that the Hassan was qualified to perform the work and that they were a disadvantaged small business which would fair well on grant applications/awards that the District might apply for.

(2:11:52) Director Carson commented that although both contractors were qualified to perform the work, he believed that Dudek might be better suited to perform the tasks.

(2:13:30) Vice-Chairperson Giacoletti commented that she agreed with Chairperson Kellas's comments and the District should take these comments seriously.

(2:13:50) Chairperson Kellas made a motion to award Hassan Consultants the work.

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

Roll Call: Kellas: Yes Giacoletti: Yes Carson: No Maurer: No de la Rosa: No

(2:14:58) Director Carson made a motion to award Dudek the scope of work.

Roll Call: Kellas: No Giacoletti: No Carson: Yes Maurer: Yes de la Rosa: Yes

C. Presentation of the Draft FY 2021/2022 Budget. (2:16:10)

Charlie Grace introduced the item stating that the budget committee meeting had been cancelled.

Public Comment –
(2:17:52) Henry Krzciuk commented.
(2:21:00) Julie Tacker commented.
(2:24:28) Michael Hanchett commented.

There was no action taken on this item.

D. Direction to staff regarding the proposed video contract with Lori Mather Video Services to record regular and special Board meetings. (2:29:15)

Charlie Grace introduced the item.

Public Comment –
(2:30:40) Henry Krzciuk commented.
(2:32:59) Julie Tacker commented.
(2:35:35) Lori Mather commented.
(2:35:57) Cortney Murguia commented.
(2:37:10) Michael Hanchett commented.

(2:39:25) Director Maurer and Jeff Minnery discussed whether the services agreement did suffice as a services agreement.

(2:40:40) Chairperson Kellas made a motion to approve the services agreement with Lori Mather Video Services.

Motion: Chairperson Kellas
2nd: Director Carson

Vote: 5/0
Abstain:

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

E. Discussion related to the formation of an Ad Hoc Committee to update the Policy & Procedures manual. (2:42:11)

Charlie Grace introduced the item.

(2:42:58) Vice-Chairperson Giacoletti asked about the need for a committee because the Board had just received an updated manual. Chairperson Kellas responded by providing background information about the need for updates.

Public Comment –

(2:46:04) Henry Krzciuk commented.

(2:47:14) Julie Tacker commented.

(2:51:15) Chairperson made a motion for an Ad hoc committee consisting of Chairperson Kellas and Director Carson.

Motion: Chairperson Kellas

2nd: Director Carson

Vote: 5/0

Abstain:

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

F. Discussion regarding District Ordinance 107 and draft Ordinance 122 related to parking on District streets. (2:52:20)

Charlie Grace introduced the item.

(2:53:32) There was a conversation between Director de la Rosa, Jeffrey Minnery, and Charles Graces about the term legal summary regarding the Martin versus City of Boise case. There was also discussion with Director Maurer, Director de la Rosa, and Chairperson Maurer about the requirement of parking permits on District streets and potential fire hazards caused by cars that are parked on vacant lots with long grass.

Public Comment –

(3:12:15) Patrick Flaverty commented.

(3:15:34) Director Carson commented that although he was not a big fan of parking permits, he thought they could be mailed out with the water bills. He also advised that the conversation should be kept broad to avoid potential conflict of interest issues with individual Board members.

(3:20:28) Vice-Chairperson Giacoletti volunteered to be the other member of the Ad hoc committee.

The Board also asked that a statement be included in the newsletter asking that residents refrain from parking on vacant lots.

(3:24:39) Director de la Rosa made a motion that Vice-Chairperson be appointed to the Ad hoc committee and that the committee continuing looking at the all the options of parking ordinances and report back to the Board.

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

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

G. Consideration of endorsing correspondence requesting COVID19 relief funding be allocated to special districts. (3:27:15)

Chairperson Kellas introduced the item.

Public Comment –
(3:30:05) Michael Hanchett commented.

(3:31:00) Chairperson Kellas made a motion to allow for the endorsement of correspondence requesting COVID19 relief funding be allocated to special districts.

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

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

6. CLOSED SESSION –

A. Public Comment –

(3:32:50) Henry Krzciuk commented.
(3:34:10) Julie Tacker commented.

B. Pursuant to Government Code Section 54956.9 (d)(2) Conference with District Legal Counsel regarding anticipated litigation. Number of cases: one (1) Robert Hather. (3:39:00)

(3:39:20) Reconvene to Open Session – there was no reportable action.

7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS – Chairperson Kellas asked about changing the budget committee from a standing committee to an Ad hoc committee and discussion about greensheet items.

8. ADJOURNMENT @ 9:36 PM