

## SPECIAL BOARD MEETING AGENDA

### SAN SIMEON COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS MEETING Monday, February 27, 2023 5:30 pm

Pursuant to San Simeon CSD Resolution 23-465 and in compliance with AB 361 this meeting shall occur as a virtual teleconference using the Zoom app.

#### Internet Meeting Location – Via ZOOM

##### Join Zoom for the Board Session:

<https://us02web.zoom.us/j/9270537206>

##### Or One tap mobile:

US: +16699009128, 9270537206#

##### Or Telephone:

Dial (for higher quality, dial a number based on your current location):

US: +1 669 900 9128

The following commands can be entered via DTMF tones using your **phone's** dial pad while in a **Zoom meeting**: \*6 - Toggle mute/unmute. \*9 - **Raise hand**.

**Meeting ID: 927 053 7206**

**NOTE:** On the day of the meeting, the virtual meeting room will be open 30 minutes prior to the meeting start time. If you wish to submit public comment in the written format you can email [admin@sansimeoncsd.org](mailto: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 agenda or accessing the meeting.

#### **1. REGULAR SESSION:**

A. Roll Call

#### **2. BUSINESS ACTION ITEMS:**

**Public Comment** – Public comment will be allowed for each individual business item.

Members of the public wishing to speak on business items may do so when recognized by the Chairperson. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes or less per person for each business item, with additional time at the discretion of the Chair.

**A. ADOPTION OF RESOLUTION 23-465 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**

**B. DISCUSSION, REVIEW AND APPROVAL OF RESOLUTION 23-466 TO CHANGE THE BOARD MEETING LOCATION FOR HYBRID BOARD MEETINGS AND IN-PERSON BOARD MEETINGS**

**TO THE CAMBRIA VETERANS' HALL, APPROVAL OF AN AGREEMENT WITH CCSD AND  
DIRECTION TO STAFF.**

**3. ADJOURNMENT –**

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Board within 24 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 Office 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.



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 2.A. ADOPTION OF RESOLUTION 23-465 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**

#### Summary:

The Board approved District Resolution 23-463 to continue virtual meetings of the Board of Directors and District committees pursuant to AB 361. AB 361 requires periodic review of the determination for a legislative body to continue to meet via teleconference, and if a state of emergency remains active. Resolution 23-465 extends the “state of emergency” for an additional 1 day to allow continued virtual meetings.

#### Possible Outcomes:

- 1) The Board may approve Resolution 23-465

Encl: Resolution 23-465

**RESOLUTION NO. 23-465**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON  
COMMUNITY SERVICES DISTRICT PROCLAIMING A LOCAL EMERGENCY  
PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY  
BY THE GOVERNOR ISSUED ON MARCH 4, 2020, AND AUTHORIZING REMOTE  
TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SAN  
SIMEON COMMUNITY SERVICES DISTRICT FOR THE PERIOD OF FEBRUARY  
27, 2023 PURSUANT TO BROWN ACT PROVISIONS**

**Recitals**

WHEREAS, the San Simeon Community Services District ("District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 21-433 on September 30, 2021, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, the State of Emergency declared by Governor Newsom on March 4, 2020, due to COVID-19, and strong recommendations by the California Department of Public Health that all persons, regardless of vaccination status, continue to undertake social distancing measures including wearing masks while in indoor public settings; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 variants have caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of the District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Board of Directors will ensure that the public has access to meetings and the opportunity to participate in meetings in the interest of transparency and as required by AB 361.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the San Simeon Community Services District, as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.
3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby re-ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
4. Remote Teleconference Meetings. The General Manager and Staff of the District are hereby authorized and directed to take all actions necessary to carry out the

intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

- 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) February 27, 2023, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**ADOPTED** by the Board of Directors of the San Simeon Community Services District on February 27, 2023, by the following roll call votes:

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

\_\_\_\_\_  
President, Board of Directors of the  
San Simeon Community Services District

**ATTEST:**

\_\_\_\_\_  
Charles Grace, General Manager of the  
San Simeon Community Services District

**APPROVED AS TO FORM:**

\_\_\_\_\_  
District Counsel



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 2.B. DISCUSSION, REVIEW AND APPROVAL OF RESOLUTION 23-466 TO CHANGE THE BOARD MEETING LOCATION FOR HYBRID MEETINGS AND IN-PERSON BOARD MEETINGS TO THE CAMBRIA VETERAN'S HALL, APPROVAL OF AN AGREEMENT WITH CCSD AND DIRECTION TO STAFF.**

#### Summary:

In effort to find a location hold SSCSD Board meetings, Budget / Finance Committee meetings and Water Committee meetings (meetings), staff contacted Cavalier (V&H holdings), Pacific Road House, Motel 6, San Simeon Lodge and El Chorlito. For various reasons the mentioned entities are not available to host the SSCSD meetings. In addition staff entertained the idea of holding meeting at the SSCSD office however the restroom accommodations are not ADA compliant let alone the small size of the office.

Attached is resolution 23-466 to establish the Board meeting location as the Cambria Veteran's' hall and authorize the District Manager to enter into an agreement with Cambria Community Services District (CCSD) to use the Cambria Veteran's hall for Board Meetings, Budget / Finance meetings, and Water Committee meetings.

#### Recommendations:

Staff is recommending that the District adoption of resolution 23-466

Encl: Cambria CSD agreement for the use of the Veteran's Building  
Resolution 23-466

**RESOLUTION NO. 23-466**

**RESOLUTION OF THE BOARD FOR DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT TO ESTABLISH THE BOARD MEETING LOCATION AS THE CAMBRIA VETERAN'S HALL AND AUTHORIZE THE DISTRICT MANAGER TO ENTER INTO AN AGREEMENT WITH CAMBRIA COMMUNITY SERVICES DISTRICT TO USE THE CAMBRIA VETERANS' HALL FOR BOARD MEETINGS, BUDGET / FINANCE AND WATER COMMITTEE MEETINGS**

**WHEREAS**, the California Government Code, section 54954 subdivision (b) requires that the regular and special meetings of a legislative body be located within the boundaries of the territory over which the local agency exercises jurisdiction; and

**WHEREAS**, subdivision (b) of that Section 54954 also enumerates circumstances in which a legislative body may hold its meetings outside of its own boundaries, such as in order to comply with state or federal law, or because the local agency has no meeting facility within the boundaries of the territory over which the local agency exercises jurisdiction; and

**WHEREAS**, the San Simeon Community Services District ("District") does not own or rent a meeting facility within the boundaries of the territory that the District exercises jurisdiction over; and

**WHEREAS**, the District does not have access to a meeting facility that is compliant with the Americans with Disabilities Act ("ADA"), a federal law, within the boundaries of its territory; and

**WHEREAS**, the Cambria Veterans' Hall is the closest meeting facility to the boundaries of the District, and is fully compliant with the ADA; and

**WHEREAS**, the Board of Directors of the San Simeon Community Services District ("Board") desires to authorize the General Manager ("Manager") to enter into an agreement with Cambria Community Services District in order to utilize the Cambria Veterans' Hall for public meetings of the District.

**NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT DOES RESOLVE AS FOLLOWS:**

1. The Board finds that the District does not own a meeting facility within the boundaries of the territory that the District exercises jurisdiction over that can provide a venue for a public meeting and cannot currently rent such a facility; and
2. The Board finds that the District does not have access to a meeting facility within its boundaries that complies with the Americans with Disabilities Act, a federal law; and



3. Therefore, the District will meet outside the boundaries of its territory as provided under Government Code Section 54954, subdivision (b).
4. To allow the Board to meet outside the boundaries of the District's territory, the Board authorizes the General Manager to enter into an agreement with Cambria Community Services District for the use of Cambria Veterans' Hall for public meetings of the District, as provided in the agreement attached hereto as Exhibit A, incorporated herein by reference.

**Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_,  
and on the following roll call vote to wit:**

**AYES:  
NOES:  
ABSTAIN:  
ABSENT:**

**The foregoing Resolution is hereby adopted this \_\_\_\_ day of  
\_\_\_\_\_, 2023**

**ATTEST:**

\_\_\_\_\_  
Jacqueline Diamond  
Chairperson of the Board of Directors

**ATTEST:**

\_\_\_\_\_  
Charles Grace  
District Secretary



**Cambria Community Services District**  
 PO Box 65  
 Cambria, CA 93428  
 (805) 927-6223

**AGREEMENT FOR USE OF THE VETERAN'S MEMORIAL BUILDING  
 1000 Main Street, Cambria CA**

This agreement is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_ by and between the CAMBRIA COMMUNITY SERVICES DISTRICT, hereinafter referred to as "DISTRICT", and the applicant specified below, hereinafter referred to as a "USER."

APPLICANT		EVENT
Individual or Organization: <b>Name: San Simeon CSD</b>		Purpose of Event: Community Meetings <b>Event Description: San Simeon CSD BOD, B/F Committee &amp; Water Committee Meetings</b>
Authorized Agent: Charles Grace	Nonprofit/Community/ Civic Organization YES	Dates/Times: 2nd Tuesday, each month March 14, 2023 5:00pm-10:00pm
Address: 111 Pico Ave San Simeon, CA 93452	Phone Number: (805) 431-6253	Alcohol to be served or sold? <b>NO</b> Is this a Commercial event? <b>NO</b>
Email: <a href="mailto:cgrace@graceenviro.com">cgrace@graceenviro.com</a>		

Facilities/Grounds to be rented:	# of hours	User Class	Applicable Rate	Rental Amount Due	Preliminary Requirements	
Full Facility				\$0	Security Deposit Amount	\$50
Main Hall	5	1	\$20	\$100	Date Received:	
Kitchen				\$0	Liability Insur. date received	
Dining Room (w/deck)				\$0	Security Needed/Liquor	NO
Parking Lot Event (includes restrooms)				\$0	Date Received:	
BBQ Pit						
Overnight fee					Date Deposit Returned:	
Set-up/Clean-up fee				\$0		
				Total rent due:	\$100	
				Date received:		

The DISTRICT AGREES to rent the facilities and/or grounds of the Veteran's Memorial Building for the date(s), rental charges and conditions specified herein.

The USER AGREES to provide a Certificate of Insurance, and endorsement, with \$500,000 coverage per event.

The additionally insured clause should read as follows: Cambria Community Services District including its directors, employees and agents, Attn: Veteran's Memorial Building, 1000 Main Street, Cambria, CA 93428. Your agent may fax the required Certificate/Evidence of Coverage, and endorsement, to 805-927-5584.

USER AGREES to and understands that District Board meetings, annual functions such as County or District Elections, Pinedorado, community-wide public meetings or functions including town hall meetings, take precedence in use of the Veteran's Memorial Building, and may result in cancellation of USER's scheduled event. USER AGREES to be bound by all rules and regulations regarding use of the facilities or grounds that the District may adopt from time to time, and USER acknowledges receipt of a copy of the current rules and regulations, which are included and made a part of this agreement. USER also acknowledges receipt of a copy of this agreement.

USER AGREES to access and use ONLY those rooms and facilities for which they have paid and only on the dates and times listed above on the contract. Failure to comply may result in an increase in the rental amount that is owed to the CCSD.

USER AGREES to adhere to all of the rules governing the Cambria Veteran's Memorial Building.

Signed: \_\_\_\_\_ Date: \_\_\_\_\_