

# Board of Directors San Simeon Community Services District



## REGULAR BOARD MEETING PACKET

October 11, 2022  
Meeting Start Time 5:00 pm

Virtual Board Meeting via Zoom Webinar

Prepared by:



**GRACE**  
ENVIRONMENTAL SERVICES

**AGENDA**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR BOARD MEETING**  
**Tuesday, October 11, 2022**  
**5:00 pm**

Pursuant to San Simeon CSD Resolution 22-457 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 Regular Board Session:**

<https://us02web.zoom.us/j/87307810050>

**Or One tap mobile:**

**US: +16699009128, 87307810050#**

**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**.

**Webinar ID: 873 0781 0050**

**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 Cortney Murguia at [admin@sansimeoncsd.org](mailto:admin@sansimeoncsd.org). Members of the public can also contact the District office at (805) 927-4778 or (805) 400-7399 with any questions or concerns related to this agenda or accessing the meeting.

**1. REGULAR SESSION:**

A. Roll Call

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

**Public Comment** - Any member of the public may address the Board relating to any matter within the Board's jurisdiction, provided the matter is not on the Board's agenda. Presentations are limited to three (3) minutes or less with additional time at the discretion of the Chair. Your comments should be directed to the Board as a whole and not directed to individual Board members. The Brown Act restricts the Board from taking formal action on matters not published on the agenda.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. STAFF REPORTS:**

- i. **Sheriff's Report** – Report for September.
- ii. **CHP Report** – Report for September.
- viii. **Dudek Public Outreach Report** – Wastewater Treatment Plant Relocation - CHRP
- iii. **Superintendent's Report** – Summary of September Activities.
- iv. **General Manager's Report** – Summary of September Activities.
- v. **District Financial Summary** – Summary of September Financials.
- vi. **District Counsel's Report** – Summary of September Activities.
- vii. **Board Member Report** – Summary of September Activities.

**B. AD-HOC & STANDING COMMITTEE REPORTS:**

- ii. **Status Update** – Budget Committee.
- iii. **Status Update** – Water Committee.

**Public Comment** – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Special Presentations and Reports. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

**4. CLOSED SESSION:**

**Public Comment** – This public comment period provides an opportunity for members of the public to address the Board on Closed Session. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

The Board will adjourn to Closed Session to address the following item:

**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

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

**Report on Closed Session**

**Public Comment** – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Special Presentations and Reports. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes.

**5. CONSENT AGENDA ITEMS (part A):**

**Public Comment (part A & B)**– This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Consent Agenda

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

- A. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR MEETING ON AUGUST 9, 2022.**
- B. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON AUGUST 30, 2022.**
- C. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON SEPTEMBER 14, 2022.**
- D. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**
- E. ADOPTION OF RESOLUTION 22-458 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**
- F. DISCUSSION REVIEW AND APPROVAL OF PROPOSAL FROM PADRE ASSOCIATES, INC. FOR THE DISTRICT PICO STAIRS SLURRY REPAIR – PERMITTING (\$5,450).**

**6. CONSENT AGENDA ITEMS (part B):**

- A. DISCUSSION REVIEW AND APPROVAL OF PROPOSAL FROM PADRE ASSOCIATES, INC. FOR THE DISTRICT OCEAN OUTFALL LINE MAINTENANCE PROJECT – PERMITTING (\$32,980).**
- B. DISCUSSION REVIEW AND APPROVAL OF PROPOSAL FROM BRENNAN FOR THE ANNUAL INSPECTION OF OCEAN OUTFALL LINE (\$11,703).**

**7. 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 Presiding Officer. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes per person for each business item.

- A. DISCUSSION, REVIEW AND APPROVAL REGARDING A CHARLES SCHWAB BROKERAGE /CHECKING ACCOUNT.**

**8. PUBLIC HEARING:**

**Public Comment** – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Public Hearing items. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) Minutes.

- A. PUBLIC HEARING PURSUANT TO SSCSD ORDINANCE 102 HARDSHIP – hearing to review water will serve requests based on hardship applications and responses from: Mr. Marcum, Mr. Hurlbert, Mrs. Seifert and Mrs. Brajcich.**

**9. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS** – Requests from Board members to Staff to receive feedback, prepare information, and/or place an item on a future agenda(s).

**10. ADJOURNMENT** –

All staff reports or other written documentation, including any supplemental material distributed to a majority of the Board within 72 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 District 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.

### **3.A.iv. Special Presentations and Reports: Superintendent Reports**



## SUPERINTENDENT'S REPORT

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### Item 3.A.ii

#### 1. Wastewater Treatment Plant

- Sampling, testing, and reporting at the Wastewater Treatment Plant was performed as required by the Regional Water Quality Control Board (RWQCB).
- The monthly report was submitted to the State Water Resources Control Board (SWRCB).

#### 2. Water Treatment and Distribution System

- Sampling, testing, and reporting was performed as required by the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW).
- The monthly report was submitted to the SWRCB, DDW.
- Monthly water meter reading was performed.
- RO Re-Pickling was performed.

#### 3. District and Equipment Maintenance

- Staff continues with the scheduled preventive maintenance for the equipment at the facilities.
- Maintenance and Painting of the Reservoir Roof is complete.

San Simeon Community Services District

Superintendent's Report

September 2022

**MONTHLY DATA REPORT**

Date	Day	Wastewater Influent Daily Flow	Wastewater Effluent Daily Flow	Well 1 Total Daily Produced	Well 2 Total Daily Produced	Total Daily Water Produced	R.O. Daily Influent Flow	R.O. Daily Effluent Flow	R.O. Daily Brine Flow	Distribution Chloride	Chloride Wells 1 2	Recycled Water Distributed	Water Level Well 1	Water Level Well 2	Rainfall in Inches	State Flows	
09/01/22	Thursday	43,325	48,940	362,107	0	362,107	0	0	0	-	-	0	12.8	12.7	0.00	1,693	
09/02/22	Friday	49,400	56,510	0	0	0	0	0	0	-	-	0	-	-	0.00	1,358	
09/03/22	Saturday	75,679	77,050	72,855	0	72,855	0	0	0	-	-	0	-	-	0.00	2,142	
09/04/22	Sunday	93,361	97,560	107,188	0	107,188	0	0	0	-	-	0	-	-	0.00	2,245	
09/05/22	Monday	73,987	77,050	91,256	0	91,256	0	0	0	-	-	0	-	-	0.00	2,855	
09/06/22	Tuesday	66,231	70,010	93,575	0	93,575	0	0	0	-	-	0	12.8	12.8	0.00	1,612	
09/07/22	Wednesday	57,347	61,780	65,300	0	65,300	0	0	0	-	-	0	12.8	12.7	0.00	2,125	
09/08/22	Thursday	61,123	66,690	1,646	81,756	83,402	0	0	0	<30	35	<30	0	12.8	12.8	0.00	1,587
09/09/22	Friday	60,612	62,500	92,378	0	92,378	0	0	0	-	-	0	12.9	12.8	0.00	1,644	
09/10/22	Saturday	70,933	74,560	60,663	0	60,663	0	0	0	-	-	0	13.1	12.8	0.00	1,552	
09/11/22	Sunday	80,258	84,650	84,599	0	84,599	0	0	0	-	-	0	13.1	12.8	0.00	2,488	
09/12/22	Monday	64,435	69,680	70,088	0	70,088	0	0	0	-	-	0	13.1	12.6	0.00	1,796	
09/13/22	Tuesday	58,844	59,430	61,261	0	61,261	0	0	0	-	-	0	13.1	12.7	0.00	1,423	
09/14/22	Wednesday	55,263	59,230	112,275	0	112,275	0	0	0	32	35	0	13.2	12.8	0.00	1,373	
09/15/22	Thursday	52,291	57,310	38,372	0	38,372	0	0	0	-	-	0	13.2	12.8	0.00	1,669	
09/16/22	Friday	56,339	60,540	57,446	0	57,446	0	0	0	-	-	0	13.2	12.9	0.00	1,424	
09/17/22	Saturday	69,767	75,520	73,005	0	73,005	0	0	0	-	-	0	13.2	12.9	0.00	1,148	
09/18/22	Sunday	83,066	87,850	87,292	0	87,292	0	0	0	-	-	0	13.2	13.0	0.00	1,589	
09/19/22	Monday	58,424	62,410	58,194	0	58,194	0	0	0	-	-	0	13.2	12.9	0.00	3,608	
09/20/22	Tuesday	61,212	59,120	53,183	0	53,183	0	0	0	-	-	0	13.2	12.9	0.00	1,726	
09/21/22	Wednesday	52,502	56,790	111,826	0	111,826	0	0	0	-	-	0	13.2	12.9	0.00	1,385	
09/22/22	Thursday	51,991	57,380	5,535	0	5,535	0	0	0	-	-	0	13.2	12.9	0.00	1,360	
09/23/22	Friday	54,440	57,950	81,457	75	81,532	0	0	0	50	56	<30	0	13.2	12.9	0.00	1,369
09/24/22	Saturday	70,484	78,850	80,560	0	80,560	0	0	0	-	-	0	13.3	12.9	0.00	1,315	
09/25/22	Sunday	71,087	69,690	86,618	0	86,618	0	0	0	-	-	0	13.3	13.0	0.00	2,097	
09/26/22	Monday	56,666	66,300	56,923	0	56,923	0	0	0	-	-	0	13.2	13.0	0.00	2,241	
09/27/22	Tuesday	56,884	61,540	69,265	0	69,265	0	0	0	-	-	0	13.2	12.9	0.00	2,350	
09/28/22	Wednesday	49,670	56,180	75,847	0	75,847	0	0	0	-	-	0	13.2	13.0	0.00	1,613	
09/29/22	Thursday	33,020	57,020	76,595	0	76,595	0	0	0	50	65	0	13.3	13.2	0.00	2,032	
09/30/22	Friday	42,449	59,730	45,404	0	45,404	0	0	0	-	-	0	13.4	13.2	0.00	3,457	
<b>TOTALS</b>		<b>1,831,090</b>	<b>1,989,820</b>	<b>2,332,713</b>	<b>81,831</b>	<b>2,414,544</b>	<b>0</b>	<b>0</b>	<b>0</b>			<b>0</b>			<b>0.00</b>	<b>56,276</b>	
Average		61,036	66,327	77,757	2,728	80,485	0	0	0	40	48	<30	0	13.1	12.9	0.00	1,876
Minimum		33,020	48,940	0	0	0	0	0	0	32	35	<30	0	12.8	12.6	0.00	1,148
Maximum		93,361	97,560	362,107	81,756	362,107	0	0	0	50	65	<30	0	13.2	13.2	0.00	3,608



**DATA SUMMARY SHEET**

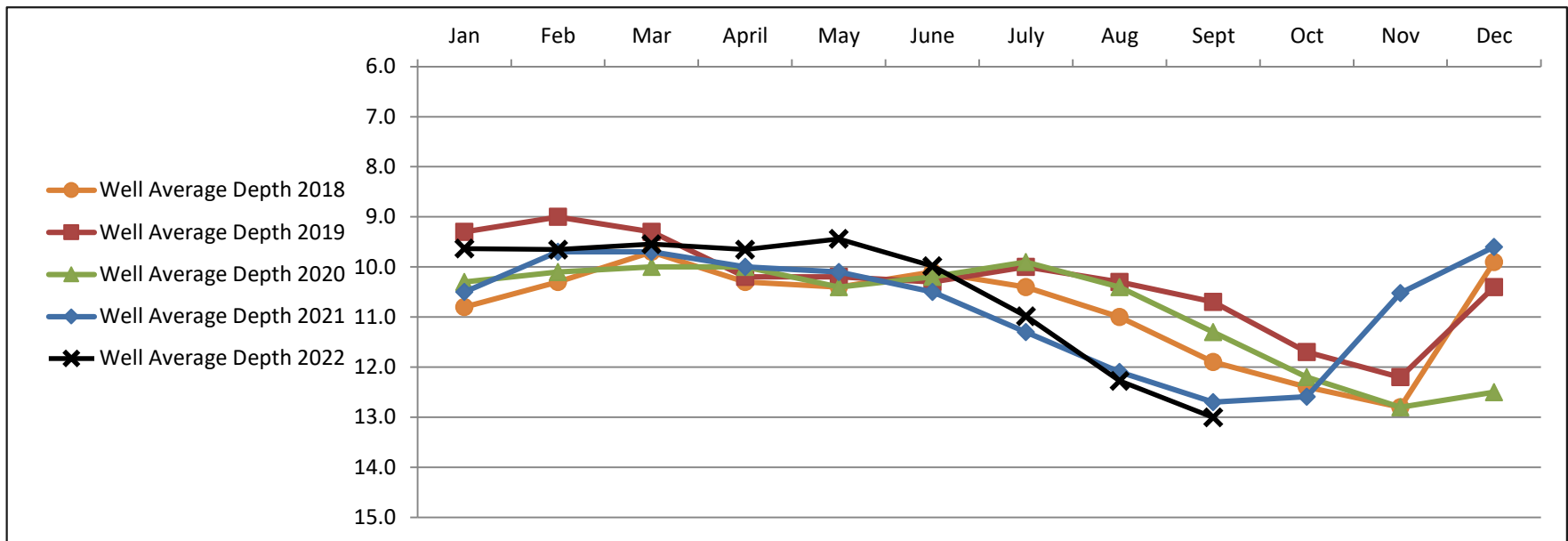
<b>2022</b>													
	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Total for 2022
Wastewater Influent	1,571,222	1,389,949	1,589,863	1,719,101	1,798,328	2,016,224	2,377,922	2,144,776	1,831,090				16,438,475
Wastewater Final Effluent (Month Cycle)	1,649,170	1,498,768	1,725,410	1,871,010	1,996,900	2,172,360	2,440,050	2,149,140	1,989,820				17,492,628
Adjusted Wastewater Influent (- State Flow)	1,522,839	1,356,607	1,549,685	1,690,058	1,608,515	1,780,084	2,203,484	2,090,258	1,774,814				15,576,344
Water Produced (month cycle)	1,683,299	1,654,800	1,924,903	2,059,394	2,175,259	2,390,458	2,811,134	2,445,960	2,414,544				19,559,751
Sewer Influent/Water Produced Ratio	0.93	0.84	0.83	0.84	0.83	0.84	0.85	0.88	0.76				N/A
Adusted Sewer/Water Produced Ratio	0.91	0.82	0.81	0.82	0.74	0.74	0.78	0.85	0.74				N/A
Well 1 Water Production	798,864	892,663	1,308,402	1,210,189	1,818,687	2,225,599	2,698,709	2,221,111	2,332,713				15,506,938
Well 2 Water Production	884,435	762,137	616,502	849,204	356,572	164,859	112,424	224,849	81,831				4,052,814
Total Well Production	1,683,299	1,654,800	1,924,903	2,059,394	2,175,259	2,390,458	2,811,134	2,445,960	2,414,544				19,559,751
Water Well 1 Avg Depth to Water	9.8	9.8	9.7	9.8	9.6	10.1	11.1	12.4	13.1				N/A
Water Well 2 Avg Depth to Water	9.4	9.5	9.4	9.5	9.3	9.9	10.9	12.2	12.9				N/A
Average Depth to Water of Both Wells	9.6	9.7	9.5	9.7	9.4	10.0	11.0	12.3	13.0				N/A
Change in Average Depth to Water from 2021	-0.9	0.0	-0.2	-0.3	-0.7	-0.5	+1.1	+1.9	+1.7				N/A
Average Chloride mg/L at the Wells	<30	36	35	32	<30	<30	<30	<30	39				N/A
State Wastewater Treated	48,383	33,342	40,178	29,043	189,813	236,140	174,439	54,518	56,276				862,131
State % of Total WW Flow	3%	2%	3%	3%	11%	12%	7%	3%	3%				N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0				0
Biosolids Removal (Gallons)	0	4,500	4,500	0	4,500	9,000	13,500	0	4,500				40,500
<b>WW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>
<b>RW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>				<b>0</b>
<b>Constituent Exceeded</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>				<b>N/A</b>
<b>Sample Limit</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>				<b>N/A</b>
<b>Sample Result</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>				<b>N/A</b>
<b>2021</b>													
	Jan-21	Feb-21	Mar-21	Apr-21	May-21	Jun-21	Jul-21	Aug-21	Sep-21	Oct-21	Nov-21	Dec-21	Total for 2021
Wastewater Influent	2,399,103	1,705,622	1,820,175	1,763,875	1,619,717	1,901,547	2,158,434	1,943,680	1,675,426	1,703,610	1,507,913	2,546,220	22,745,322
Wastewater Final Effluent (Month Cycle)	2,546,130	1,747,000	1,874,290	1,827,000	1,826,280	2,057,550	2,281,620	1,997,150	1,837,180	1,801,220	1,613,060	2,699,710	24,108,190
Adjusted Wastewater Influent(- State Flow) *	2,148,485	1,645,420	1,765,245	1,705,967	1,552,211	1,825,611	2,078,540	1,854,274	1,603,573	1,644,544	1,471,062	2,368,128	21,663,060
Water Produced (month cycle)	1,851,150	1,682,402	1,907,250	2,114,147	2,080,786	2,385,297	2,699,083	2,171,145	2,100,384	1,955,870	1,743,588	1,887,877	24,578,981
Sewer Influent/Water Produced Ratio	1.30	1.05	0.95	0.83	0.78	0.80	0.88	0.92	0.80	0.87	0.87	1.35	N/A
Adusted Sewer/Water Ratio	1.16	0.95	0.93	0.81	0.75	0.77	0.85	0.90	0.78	0.84	0.84	1.25	N/A
Average Depth of Both Wells	10.5	9.7	9.7	10.0	10.1	10.5	9.9	10.4	11.3	12.7	10.6	9.7	N/A
Change in Average Depth to Water from 2020	-0.2	0.4	0.3	0.0	0.3	-0.3	0.0	0.0	0.0	-0.5	2.2	2.8	N/A
Average Chloride mg/L at the Wells	352	169	77	41	31	30	-	-	-	<30	41	37	N/A
State Wastewater Treated	250,618	60,202	125,914	57,908	67,506	75,936	79,894	89,406	71,853	59,066	36,851	178,092	1,153,246
State % of Total WW Flow	10%	4%	7%	3%	4%	4%	4%	5%	4%	3%	2%	7%	N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0	0	0	0
Biosolids Removal (Gallons)	0	4,500	0	4,500	9,000	4,500	9,000	0	4,500	22,500	0	0	58,500
<b>WW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>
<b>RW Permit Limitation Exceeded</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>N/A</b>
<b>Constituent Exceeded</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>None</b>	<b>N/A</b>
<b>Sample Limit</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Sample Result</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>

**San Simeon Community Services District**

**Superintendent's Report**

**September 2022**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Well Average Depth 2018</b>	10.8	10.3	9.7	10.3	10.4	10.1	10.4	11.0	11.9	12.4	12.8	9.9
<b>Well Average Depth 2019</b>	9.3	9.0	9.3	10.2	10.2	10.3	10.0	10.3	10.7	11.7	12.2	10.4
<b>Well Average Depth 2020</b>	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.4	11.3	12.2	12.8	12.5
<b>Well Average Depth 2021</b>	10.5	9.7	9.7	10.0	10.1	10.5	11.3	12.1	12.7	12.6	10.5	9.6
<b>Well Average Depth 2022</b>	9.6	9.7	9.5	9.7	9.4	10.0	11.0	12.3	13.0			



**3.A.v. Special Presentations and Reports:  
General Manager's Report  
Charlie Grace**



## GENERAL MANAGER'S REPORT

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### Item 3.A.iv.

**GES Staff Activity** – Report on staff activities for the month of September 2022.

Regular activities performed by staff include:

Processing of utility payments, customer service duties, answering phone calls, mailing of the regular monthly utility bills. Prepared and distributed agenda packets for three (3) Special Meetings.

GES Staff also attended to the following items:

- Responded to thirteen (13) written public records requests.
- Coordinated the installation of a water meter pursuant to the agreement with V&H holdings.

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### Update on District Grants:

**LCP Grant** – Submitted the quarterly report.

**Prop 1 Grant** – San Simeon CSD tank project is no longer being considered as eligible for the grant.

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### Update on District Projects and RFP's:

**Update on the Instream Flow Management Plan** – In progress.

**Update on the Rate Study** – In progress.

**Update on the Hearst Encroachment Agreement** – In progress; the Wildlife Conservation Board is reviewing.

**Update on the Water Tank Project** – Discussed timing of easement with the property owner. Priority is the Reverse Osmosis Hearst Encroachment Agreement completion mentioned above.

### Update on Repair of Pico Avenue Beach Access:

- A. Sidewalk Repair - obtaining quotes**
- B. South Side Slurry Repair - determining permit requirements**

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**Update on Steps for lifting Moratorium (presented at the October 2020 Board meeting).**

**Steps for Removal of Water Service Moratorium**

1. ~~Contact persons on the water waitlist regarding continues plans to develop (Completed)~~
2. ~~Development of Instream Flow Management Plan (IFMP) and Program to Accommodate Affordable Housing (North Coast Plan) (In progress – estimated completion 11/2022).~~
3. ~~Conduct an Environmental review and analysis California Environmental Quality Act (CEQA). (UWMP and IFMP may satisfy CEQA) (UWMP is complete).~~
4. ~~Conduct a Source Capacity Planning Study required by the State Water Resources Control Board, Division of Drinking Water. (Found not to be a requirement)~~
5. ~~Review and (potentially) modify the District’s Ordinance 117 regarding water conservation. (No modification is necessary)~~
6. ~~Develop process for reviewing and processing requests for will serve letters (in progress anticipated that a draft will serve letter was presented at the June Board meeting).~~
7. ~~Administrative Process to Repeal District Ordinance 102 – Water Connection Moratorium (in progress, the draft Ordinance 124 presented at the July meeting and is being presented at an August 30 meeting). (Draft Ordinance 124 failed a first reading on two occasions.~~
8. ~~Implement system of periodic review of water availability (currently described in Resolution 20-426, 4a).~~

**3.A.vi. Special Presentations and Reports:  
District Financial Summary**

# SAN SIMEON COMMUNITY SERVICES DISTRICT



## 3.A.iv FINANCIAL SUMMARY

### Billing September 30, 2022

August Billing Revenue	\$	115,502.75
September Billing Revenue	\$	105,160.99
Past Due (60+ days)	\$	8,246.61

### ENDING BANK BALANCES

September 30, 2022

#### PACIFIC PREMIER BANK:

Money Market Account Closing Balance August 31, 2022	\$	1,670,432.38
Interest for September	\$	269.53
Money Market Account Closing Balance September 30, 2022	\$	1,670,701.91

Reserve Fund	(250,000.00)
*Wait-list Deposits	(770,851.60)
Customer Deposits	(8,500.00)
<b>Available Funds</b>	<b>\$ 641,350.31</b>

**General Checking Account September 30, 2022** \$ 193,019.83

**\*LAIF Closing Balance September 30, 2022** \$ 563.11

<b>Interest Money Market Account 2019</b>	<b>\$ 22,529.11</b>
<b>Interest Money Market Account 2020</b>	<b>\$ 12,206.44</b>
<b>Interest Money Market Account 2021</b>	<b>\$ 1,104.91</b>
<b>Interest Money Market Account 2022</b>	<b>\$ 526.53</b>

\* Staff is continuing to finalize the LAIF Transfer

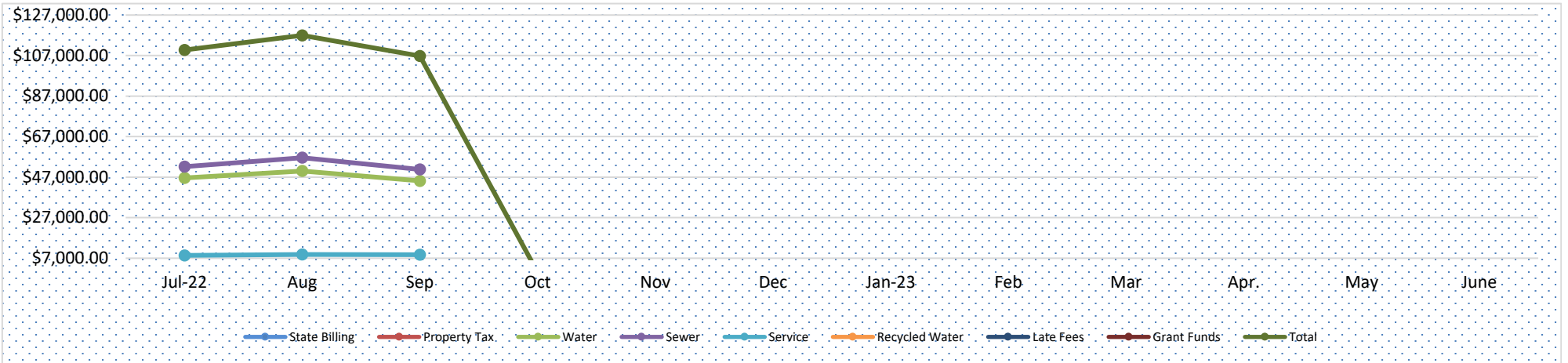
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Balance Sheet**  
**As of September 30, 2022**

	Sep 30, 22
<b>ASSETS</b>	
Current Assets	
Checking/Savings	
1010 · Petty cash	150.00
1015 · Pac Prem Ckg-6603	154,486.43
1017 · Money Market PPBI	
1017a · Pacific Premier-Money Market	986,701.91
1017b · USDA short lived asset fund	5,000.00
1017c · Capacity Fees Held	678,999.00
Total 1017 · Money Market PPBI	1,670,700.91
1050 · LAIF - non-restricted cash	561.74
Total Checking/Savings	1,825,899.08
Other Current Assets	
1200 · Accounts receivable default	120,247.50
1300 · Prepaid insurance expense	8,826.43
Total Other Current Assets	129,073.93
Total Current Assets	1,954,973.01
Fixed Assets	
1400 · Fixed assets	
1420 · Building and structures	279,580.67
1500 · Equipment	12,689.93
1560 · Pipe bridge	29,497.00
1580 · Sewer plant	869,352.16
1590 · Sewer plant equipment	12,468.83
1600 · Water system	235,615.43
1620 · WWTP expansion	299,565.92
1630 · Tertiary Project	568,063.00
1640 · Wellhead Rehab Project	448,253.95
1650 · Walkway access projects	26,791.00
1660 · RO Unit	948,021.38
1680 · Generator	18,291.00
Total 1400 · Fixed assets	3,748,190.27
1450 · Construction in Progress	
1670 · Reservoir / Water Tanks	287,693.56
Total 1450 · Construction in Progress	287,693.56
1690 · Accumulated depreciation	(1,654,234.18)
Total Fixed Assets	2,381,649.65
<b>TOTAL ASSETS</b>	<b>4,336,622.66</b>
<b>LIABILITIES &amp; EQUITY</b>	
Liabilities	
Current Liabilities	
Other Current Liabilities	
2500 · Customer security deposits	8,300.00
2510 · Connect hookup wait list	91,852.60
2515 · Unearned Revenue- Capacity Fe...	678,999.00
Total Other Current Liabilities	779,151.60
Total Current Liabilities	779,151.60
Long Term Liabilities	
2520 · USDA Loan Principal Bal	434,352.98
Total Long Term Liabilities	434,352.98
Total Liabilities	1,213,504.58
Equity	
3200 · Fund balance (= PY Net Inc)	(158,556.71)
3201 · Net Investment in Capital Asset	2,061,612.00
3204 · Board Assigned for Water CIP	155,505.10
3205 · Board Assigned for WW CIP	155,784.69
3206 · Board Assigned for General CIP	43,295.03
3207 · BOD committed for Oper Reserves	250,000.00
3211 · Restricted for USDA loan	20,690.00
3220 · Unrestricted-Undesignatd Equity	527,442.38
Net Income	67,345.59
Total Equity	3,123,118.08
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>4,336,622.66</b>



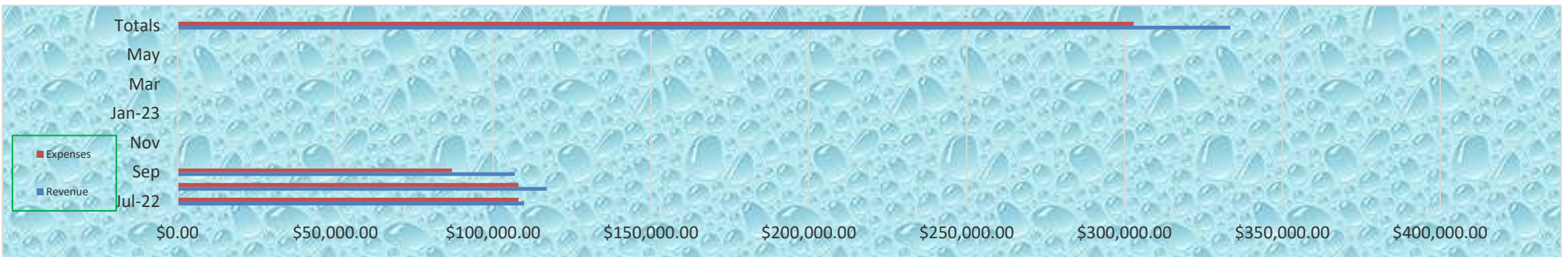
### DISTRICT REVENUE FY 2021/2022

	Jul-22	Aug	Sep	Oct	Nov	Dec	Jan-23	Feb	Mar	Apr.	May	June	Totals
State Billing													\$0.00
Property Tax	\$1,155.48	\$1,181.01	\$1,373.09										\$3,709.58
Water	\$46,591.56	\$50,027.56	\$45,188.80										\$141,807.92
Sewer	\$52,231.30	\$56,585.04	\$50,804.24										\$159,620.58
Service	\$8,391.83	\$8,833.46	\$8,790.97										\$26,016.26
Recycled Water													\$0.00
Late Fees	\$1,359.93	\$351.81	\$657.37										\$2,369.11
Grant Funds	\$0.00	\$0.00	\$0.00										\$0.00
<b>Total</b>	<b>\$109,730.10</b>	<b>\$116,978.88</b>	<b>\$106,814.47</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$333,523.45</b>
Water Sold Cu Ft	323170	325550	294504										943224
Water Sold Acre ft	7.42	7.47	6.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	21.65



### REVENUE VS EXPENSES

	Jul-22	Aug	Sep	Oct	Nov	Dec	Jan-23	Feb	Mar	Apr.	May	June	Totals
Revenue	\$109,730.10	\$116,978.88	\$106,814.47										\$333,523.45
Expenses	\$108,042.12	\$107,950.12	\$86,903.09										\$302,895.33
Balance	\$1,687.98	\$9,028.76	\$19,911.38	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30,628.12



**SAN SIMEON COMMUNITY SERVICES  
HISTORICAL FISCAL REVIEW**

**FY 2019/2020**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$25,528.71			\$22,455.35			\$15,776.54			\$7,016.19	<b>\$70,776.79</b>
Property Tax	\$1,218.61	\$2,752.21	\$3,126.48	\$5,305.64	\$6,019.52	\$23,503.23	\$13,612.60	\$5,282.91	\$2,659.00	\$15,436.18	\$9,385.45	\$916.22	<b>\$89,218.05</b>
Water	\$41,718.97	\$39,623.52	\$40,324.01	\$43,808.36	\$32,208.00	\$23,432.56	\$33,732.14	\$34,067.23	\$24,268.55	\$17,909.86	\$28,582.31	\$36,460.31	<b>\$396,135.82</b>
Sewer	\$48,137.21	\$45,503.27	\$45,161.69	\$48,244.57	\$34,916.02	\$26,527.95	\$39,321.56	\$39,368.21	\$27,637.52	\$19,243.28	\$29,934.22	\$37,683.06	<b>\$441,678.56</b>
Service	\$7,113.60	\$7,045.20	\$7,079.40	\$7,451.10	\$7,489.26	\$7,344.54	\$7,525.44	\$7,453.08	\$7,489.26	\$7,489.26	\$7,489.26	\$7,453.08	<b>\$88,422.48</b>
Recycled Water													<b>\$0.00</b>
Late Fees	\$1,957.04	\$2,399.24	\$1,407.87	\$468.45	\$316.84	\$1,136.41	\$237.28	\$307.96	\$2,793.44	\$5,540.71	\$4,647.78	\$3,802.45	<b>\$25,015.47</b>
Grant Funds			\$8,750.00	\$167,376.61						\$1,485.90		\$8,369.50	<b>\$185,982.01</b>
Revenue	<b>\$100,145.43</b>	<b>\$97,323.44</b>	<b>\$122,628.16</b>	<b>\$105,278.12</b>	<b>\$80,949.64</b>	<b>\$104,400.04</b>	<b>\$94,429.02</b>	<b>\$86,479.39</b>	<b>\$80,624.31</b>	<b>\$65,619.29</b>	<b>\$80,039.02</b>	<b>\$93,331.31</b>	<b>\$1,111,247.17</b>
Expense	<b>\$90,205.84</b>	<b>\$67,705.50</b>	<b>\$94,401.58</b>	<b>\$97,595.50</b>	<b>\$87,822.01</b>	<b>\$86,173.97</b>	<b>\$85,716.44</b>	<b>\$75,643.11</b>	<b>\$62,582.54</b>	<b>\$73,942.83</b>	<b>\$90,232.61</b>	<b>\$79,762.52</b>	<b>\$991,784.45</b>
Balance	<b>\$9,939.59</b>	<b>\$29,617.94</b>	<b>\$28,226.58</b>	<b>\$7,682.62</b>	<b>(\$6,872.37)</b>	<b>\$18,226.07</b>	<b>\$8,712.58</b>	<b>\$10,836.28</b>	<b>\$18,041.77</b>	<b>(\$8,323.54)</b>	<b>(\$10,193.59)</b>	<b>\$13,568.79</b>	<b>\$119,462.72</b>
Water Sold Cu Ft	336845	319458	323518	329822	242893	179311	260006	261505	185972	137196	217871	274085	<b>3,068,482</b>
Water Sold Acre ft	7.73	7.33	7.43	7.57	5.58	4.12	5.97	6.00	4.27	3.15	5.00	6.29	<b>70.44</b>

**FY 2020/2021**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$4,898.26			\$4,898.26			\$9,978.14			\$5,654.87	<b>\$25,429.53</b>
Property Tax	\$2,336.92	\$751.11	\$11.88	\$6,945.71	\$5,461.44	\$26,458.17	\$12,827.64	\$1,063.98	\$5,505.65	\$8,582.80	\$15,086.53	\$2,262.87	<b>\$87,294.70</b>
Water	\$40,209.97	\$54,512.44	\$41,179.63	\$40,129.44	\$30,132.26	\$30,099.00	\$31,207.86	\$28,567.08	\$27,866.11	\$39,907.47	\$31,637.78	\$39,875.45	<b>\$435,324.49</b>
Sewer	\$45,546.00	\$60,488.59	\$45,320.14	\$44,227.62	\$32,486.93	\$31,269.68	\$29,285.81	\$31,276.88	\$30,546.56	\$44,784.48	\$34,717.31	\$44,261.59	<b>\$474,211.59</b>
Service	\$7,830.48	\$7,834.18	\$7,910.24	\$7,872.17	\$8,062.36	\$7,948.27	\$7,910.24	\$7,910.24	\$7,834.18	\$7,796.15	\$7,910.24	\$7,872.21	<b>\$94,690.96</b>
Recycled Water	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Late Fees	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Grant Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Revenue	<b>\$95,923.37</b>	<b>\$123,586.32</b>	<b>\$99,320.15</b>	<b>\$99,174.94</b>	<b>\$76,142.99</b>	<b>\$100,673.38</b>	<b>\$81,231.55</b>	<b>\$68,818.18</b>	<b>\$81,730.64</b>	<b>\$101,070.90</b>	<b>\$89,351.86</b>	<b>\$99,926.99</b>	<b>\$1,116,951.27</b>
Expense	<b>\$87,144.37</b>	<b>\$81,902.63</b>	<b>\$114,623.38</b>	<b>\$160,041.02</b>	<b>\$98,357.85</b>	<b>\$137,804.21</b>	<b>\$111,151.88</b>	<b>\$106,602.36</b>	<b>\$84,771.53</b>	<b>\$71,795.69</b>	<b>\$91,754.68</b>	<b>\$72,434.79</b>	<b>\$1,218,384.39</b>
Balance	<b>\$8,779.00</b>	<b>\$41,683.69</b>	<b>(\$15,303.23)</b>	<b>(\$60,866.08)</b>	<b>(\$22,214.86)</b>	<b>(\$37,130.83)</b>	<b>(\$29,920.33)</b>	<b>(\$37,784.18)</b>	<b>(\$3,040.89)</b>	<b>\$29,275.21</b>	<b>(\$2,372.82)</b>	<b>\$27,492.20</b>	<b>(\$101,403.12)</b>
Water Sold Cu Ft	292033	387244	297886	291236	218802	217498	215864	209660	203888	291683	230285	288809	<b>3,144,888</b>
Water Sold Acre ft	6.70	8.89	6.84	6.69	5.02	4.99	4.96	4.81	4.68	6.70	5.29	6.63	<b>72.20</b>

**FY 2021/2022**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$6,340.85			\$7,273.93			\$7,273.93				<b>\$20,888.71</b>
Property Tax	\$115.78	\$1,381.14	\$10.01	\$5,809.34	\$11,583.42	\$7,622.03	\$163,743.57	\$4,095.69	\$4,104.27	\$14,321.21	\$12,933.74		<b>\$225,720.20</b>
Water	\$49,269.78	\$36,018.10	\$36,656.78	\$37,820.36	\$34,769.42	\$30,061.95	\$27,060.11	\$31,533.31	\$30,350.63	\$38,738.36	\$36,177.32	\$41,905.35	<b>\$430,361.47</b>
Sewer	\$55,516.22	\$40,331.83	\$40,336.81	\$42,047.97	\$38,874.20	\$35,068.70	\$30,298.87	\$35,079.28	\$33,573.78	\$44,078.35	\$39,679.66	\$47,223.70	<b>\$482,109.37</b>
Service	\$7,910.24	\$7,834.18	\$7,977.48	\$8,080.85	\$8,272.49	\$8,272.49	\$8,272.49	\$8,232.71	\$8,272.49	\$8,232.71	\$8,312.27	\$8,232.71	<b>\$97,903.11</b>
Recycled Water	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		<b>\$0.00</b>
Late Fees	\$2,349.85	\$3,168.75	\$2,222.38	\$3,159.93	\$1,854.16	\$1,966.24	\$3,291.71	\$2,803.97	\$211.71	\$2,566.37	\$1,996.72	\$1,813.47	<b>\$27,405.26</b>
Grant Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	<b>\$0.00</b>
Revenue	<b>\$115,161.87</b>	<b>\$88,734.00</b>	<b>\$93,544.31</b>	<b>\$96,918.45</b>	<b>\$95,353.69</b>	<b>\$90,265.34</b>	<b>\$232,666.75</b>	<b>\$81,744.96</b>	<b>\$83,786.81</b>	<b>\$107,937.00</b>	<b>\$99,099.71</b>	<b>\$99,175.23</b>	<b>\$1,284,388.12</b>
Expense	<b>\$95,803.89</b>	<b>\$75,209.49</b>	<b>\$80,233.53</b>	<b>\$84,995.77</b>	<b>\$103,695.19</b>	<b>\$90,282.75</b>	<b>\$103,403.23</b>	<b>\$102,972.34</b>	<b>\$153,478.50</b>	<b>\$111,977.33</b>	<b>\$101,809.55</b>	<b>\$101,809.55</b>	<b>\$1,205,671.12</b>
Balance	<b>\$19,357.98</b>	<b>\$13,524.51</b>	<b>\$13,310.78</b>	<b>\$11,922.68</b>	<b>(\$8,341.50)</b>	<b>(\$17.41)</b>	<b>\$129,263.52</b>	<b>(\$21,227.38)</b>	<b>(\$69,691.69)</b>	<b>(\$4,040.33)</b>	<b>(\$2,709.84)</b>	<b>(\$2,634.32)</b>	<b>\$78,717.00</b>
Water Sold Cu Ft	357524	261467	253458	262346	241618	210787	189269	219034	211521	270041	249738	291510	<b>3,018,313</b>
Water Sold Acre ft	8.21	6.00	5.82	6.02	5.55	4.84	4.35	5.03	4.86	6.20	5.73	6.69	<b>69.29</b>

**CONSENT AGENDA ITEMS:**

- A. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR MEETING ON  
AUGUST 9, 2022.**

**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.

2<sup>nd</sup>: 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 2<sup>nd</sup>.

**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**

DRAFT

**CONSENT AGENDA ITEMS:**

- B. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON AUGUST 30, 2022.**

**SPECIAL MEETING MINUTES  
SAN SIMEON COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REGULAR BOARD MEETING  
Tuesday, August 30, 2022  
5:00 pm**

Pursuant to San Simeon CSD Resolution 22-455 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

**Internet Meeting Location – Via ZOOM**

**1. REGULAR SESSION @ 5:04 PM**

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

**2. CONSENT AGENDA ITEMS:**

Public Comment – None

**A. ADOPTION OF RESOLUTION 22-456 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**

Motion: Chairperson Kellas  
2nd: Director de la Rosa  
Vote: 3/0  
Absent: Donahue

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

**3. CLOSED SESSION: (3:01)**

Public Comment –  
(4:10) Karina Tiwana commented.  
(7:45) Julie Tacker commented.  
(11:00) Henry Krzciuk 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\*\*\***

**(36 Minutes)**

**Report on Closed Session**

Item A: Jeff Minnery reported that the Board voted unanimously to approve a settlement agreement with Cavalier and granted authority to the Chairperson to execute the agreement once it was complete.

Item B: No reportable action.

**4. ADJOURNMENT @ 5:55 PM**

DRAFT

**CONSENT AGENDA ITEMS:**

- C. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON SEPTEMBER 14, 2022.**

**SPECIAL BOARD MEETING MINUTES  
SAN SIMEON COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REGULAR BOARD MEETING  
Wednesday, September 14, 2022  
3:30 pm**

Pursuant to San Simeon CSD Resolution 22-456 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

**Internet Meeting Location – Via ZOOM**

**1. REGULAR SESSION @ 3:37 PM**

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

**2. CLOSED SESSION:**

(0:55) Jeff Minnery stated that the meeting agenda had a typo, further stating the agenda had the appropriate Government Code referenced.

Public Comment –

(2:00) Henry Krzciuk commented.

(4:45) Michael Hanchett commented.

**A. CONFERENCE WITH LEGAL COUNSEL – REAL PROPERTY NEGOTIATIONS**

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.

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

**(1 Hour 24 Minutes)**

**Report on Closed Session – No reportable action.**

**3. ADJOURNMENT @ 5:07 PM**

**CONSENT AGENDA ITEMS:**

**D. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**

# SAN SIMEON COMMUNITY SERVICES DISTRICT Disbursements Journal

October 2022

Type	Date	Num	Name	Memo	Paid Amount
<b>Prior warrants held pending Board approval</b>					
Bill Pmt -Check	08/09/2022	2463	Adamski Moroski Madden Cumberland & Green	General legal services through 06.30.22. Inv 58236 dated 07/25/22.	-15,719.50
Bill Pmt -Check	08/09/2022	2464	Adamski Moroski Madden Cumberland & Green	Legal fees re: Hather litigation through 06.30.22. Inv 58237 dated 7/25/22.	-86.00
Bill Pmt -Check	09/20/2022	2509	Adamski Moroski Madden Cumberland & Green	General legal services through 07.31.22. Inv 58651 dated 08/31/22.	-11,505.50
Bill Pmt -Check	09/20/2022	2510	Adamski Moroski Madden Cumberland & Green	Legal fees re: Hather litigation through 07.31.22. Inv 58652 dated 8/31/22.	-100.50
Bill Pmt -Check	09/20/2022	2515	Oliveira Environmental Consulting LLC	Prof Svcs related to CHRP-Coastal hazard response plan, Prop 1 grant, LCP to move WWTP, Ocean Outfall, Pico Staircase, and other CSD tasks. Svc Per: 07.01.22 - 09.01.22. Inv OEC-2022-17 dated 09/01/22.	-4,830.00
Bill Pmt -Check	09/20/2022	2517	Robert Hather.	Refund Waitlist Deposit. 9/1/2022.	-3,420.00
<b>October, 2022 Disbursements</b>					
Paycheck	10/11/2022	2528	GWEN KELLAS	Board Service September 2 through October 1, 2022.	-277.05
Paycheck	10/11/2022	2529	MARY P GIACOLETTI	Board Service September 2 through October 1, 2022.	-277.05
Paycheck	10/11/2022	2530	MICHAEL C DONAHUE	Board Service September 2 through October 1, 2022.	-92.35
Bill Pmt -Check	10/11/2022	2531	Akel Engineering Group, Inc	Respond to public records request for all communications related to Mr. Hanchett, Cavalier, V&H Holdings, waitlist, etc. Service period through 9/7/2022. Inv 22883-01 dated 09/23/2022.	-1,228.50
Bill Pmt -Check	10/11/2022	2532	Ashley & Vance Engineering Inc	Engineering services for water & sewer pipe bridge replacement. Services through 08.31.22. Inv 66058 dated 9/26/22.	-3,501.25
Bill Pmt -Check	10/11/2022	2533	Badger Meter	New meter. Amount reimbursed by V&H Holdings LLC. Inv 1528038 dated 9/14/22.	-4,162.20
Bill Pmt -Check	10/11/2022	2534	Badger Meter	Additional parts for new meter. Amount reimbursed by V&H Holdings LLC. Inv 1528039 dated 9/14/22.	-49.58
Bill Pmt -Check	10/11/2022	2535	Dudek	CHRP expense (Coastal Hazard Response Plan). Contract services through 08.26.22. See grant from CCC/SLO Co 19-02_SLO_A1. Inv 2022-8014 dated 9/30/22.	-1,400.00
Bill Pmt -Check	10/11/2022	2536	Kathleen Fry Bookkeeping Services	Bookkeeping services September, 2022. Inv CSD-2022-09 dated 09/30/22.	-1,500.00
Bill Pmt -Check	10/11/2022	2537	Kathleen Fry Bookkeeping Services	Special Bkpg Svcs: Assist with rate study, reserve policy. annual audit, US census for p/r, public records requests. Svc Per: 09.01 - 09.30.2022. Invoice dated 9/30/22.	-2,163.75
Bill Pmt -Check	10/11/2022	2538	Lori Mather Video Services	Video services for Spec BOD Mtg 09.14.22, Reg mtg 09.20.22, Reg Mtg 10.11.22. Inv #10/1/22.	-1,350.00
Bill Pmt -Check	10/11/2022	2539	Simply Clear Marketing & Media	Monthly Website Service and Mgt fee service period 10.20.22 - 11.20.22 Inv 43918 dated 9/16/22.	-450.00
Bill Pmt -Check	10/11/2022	2540	SLO County - Environmental Health	Cross Connection direct and admin costs for facility id FA0004646. Inv 0138704 dated 10/3/22.	-122.70
Bill Pmt -Check	10/11/2022	2541	Stillwater Sciences	Pico Creek instream flow management plan services through 8/28/22. Inv 9840008 dated 9/14/22.	-6,479.75
Bill Pmt -Check	10/11/2022	2542	The CrisCom Company	Grant research, writing, and grant related services September, 2022. Inv #270956 dated 08/19/22.	-2,000.00
Bill Pmt -Check	10/11/2022	2543	Grace Environmental Services (GES)	Operations Management, Electrical and Maintenance Fees for Oct 2022. Inv 1572 dated 10/1/22.	-60,308.23
Check	10/25/2022	Elec Pymt	CalPers Fiscal Svcs Divn United States Treasury (US Treasury)	Monthly Unfunded Accrued Liability payment. Cust. ID # 7226734344.	-1,433.58
Liability Check	10/25/2022	Elec Pymt		Payroll tax payment for paychecks issued current month.	-107.10



**CONSENT AGENDA ITEMS:**

- E. ADOPTION OF RESOLUTION 22-458 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**



## CONSENT AGENDA ITEM STAFF REPORT

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### ITEM 5.E. ADOPTION OF RESOLUTION 22-458 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.

#### Summary:

At a Special Meeting on September 30, 2021, the Board approved District Resolution 21-433 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, then no later than 30 days after meeting via teleconference, the body must make a subsequent finding that it “has reconsidered the circumstances of the state of emergency” and determined that in-person meetings continue to pose a risk to public health. During the September 20, 2022 Special meeting, the Board approved Resolution 22-457 which extended the “state of emergency” for an additional 30 days. Resolution 22-458 extends the “state of emergency” for an additional 30 days to allow continued virtual meetings.

#### Possible Outcomes:

- 1) The Board may direct meetings to be held in person.
- 2) The Board may direct meetings continue to be held via teleconference.

Enc: District Resolution 22-458

**RESOLUTION NO. 22-458**

**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 OCTOBER 11, 2022, TO NOVEMBER 10, 2022, 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) November 10, 2022, 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 October 11, 2022, 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

**CONSENT AGENDA ITEMS:**

- 5.F. DISCUSSION REVIEW AND APPROVAL OF PROPOSAL FROM PADRE ASSOCIATES, INC. FOR THE DISTRICT PICO STAIRS SLURRY REPAIR – PERMITTING (\$5,450).**



## CONSENT AGENDA ITEM STAFF REPORT

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### **ITEM 5.F. DISCUSSION REVIEW AND APPROVAL OF PROPOSAL FROM PADRE ASSOCIATES, INC. FOR THE DISTRICT PICO STAIRS SLURRY REPAIR – PERMITTING (\$5,450).**

#### Summary:

Attached is a proposal from Padre Associates, Inc. to provide permitting support for the Pico Stairs Slurry repair.

#### Outcome:

GES Staff is recommending that the Board approve the proposal and authorize Padre to move forward with this scope of work.

Enc: Proposal from Padre Associates, LLC

September 21, 2022  
Project No. 2202-1401

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

Attention: Charles Grace, General Manager

Subject: Proposal for the San Simeon Community Services District Pico Avenue Beach Access  
Repair and Maintenance Project – Permitting Support

Dear Mr. Grace:

Padre Associates, Inc. (Padre) is pleased to submit this proposal to provide permitting support for the San Simeon Community Services District (SSCSD) Pico Avenue Beach Access Repair and Maintenance Project (Project). The proposal includes a scope of work and budget for preparation of the required permit application materials for the Project and coordination with the County of San Luis Obispo (County) and possibly State agencies during the permit application review process.

It is Padre's understanding that the Project will include the following:

- Sidewalk Repair – Saw cutting and removal of an approximately 20 foot by 10 foot section of the concrete sidewalk in from of the bench at the top of the beach access staircase. Repairs include compacting the soil/base material (gravel) and pouring new concrete to match the existing grade. This would consist of approximately 2.4 yards of base material and 2.4 yards of new concrete for the sidewalk repair.
- Staircase Landing Repair – Includes creating a temporary form and backfilling the void with base material and concrete slurry. The void currently measures 15 feet by 4 feet by 3.5 feet. It would require 7 yards of base material and concrete slurry to fill the void to ensure safe beach access.

Project activities are located above the Mean High Tide Line (MHTL) but still within the designated Coastal Zone; resulting in the County taking the lead of permitting activities with possibly input from the California Coastal Commission (CCC). Due to its location above the high tide line, the Project will not trigger permits from the U.S. Army Corps of Engineers, Regional Water Quality Control Board, or the California Department of Fish and Wildlife.

Pursuant to a conversation with the County on August 26, 2022, the County will take the lead on issuing the Coastal Development Permit (CDP) for the Project. If the proposed repairs stay within the existing footprint, the County can exempt the CDP through the repair and maintenance clause.



Below is a summary of the tasks included in this proposal:

**SCOPE OF WORK**

**TASK 1 – County of San Luis Obispo Minor Use Permit/Coastal Development Permit**

Padre will work with the County and will schedule a pre-application meeting to discuss the Project. Following the pre-application meeting, Padre will prepare and submit the required Land Use Permit Application materials for a Minor Use Permit within the Coastal Zone.

**COST ESTIMATE**

Costs associated with obtaining the required permits for the Project are included in Table 1. Padre will complete the above scope of work on a time and materials basis invoiced in accordance with Padre’s 2021 fee schedule. Padre will not exceed the total amount without written approval from the SSCSD.

**TABLE 1. COST ESTIMATE**

<b>Personnel/Item</b>	<b>Rate</b>	<b>Hours/Unit</b>	<b>Cost</b>
<b>TASK 1.1 Pre-Application Meeting</b>			
Senior Professional II	\$160	8	\$1,280.00
Staff Professional	\$95	4	\$380.00
Senior GIS Specialist	\$110	2	\$220.00
<i>Task 1 Subtotal</i>			<i>\$1,880.00</i>
<b>TASK 1.2. Permit Application Package</b>			
Principal Professional II	\$210	1	\$210.00
Senior Professional II	\$160	4	\$640.00
Staff Professional	\$95	24	\$2,280.00
Senior GIS Specialist	\$110	4	\$440.00
<i>Task 2 Subtotal</i>			<i>\$3,570.00</i>
<b>TOTAL</b>			<b>\$5,450.00</b>

**SCHEDULE AND ASSUMPTIONS**

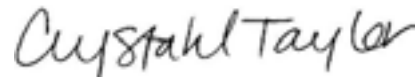
Several assumptions have been made in developing this proposal and cost estimate and, if not valid, will constitute a change in the scope of services, requiring an adjustment in Project cost and schedule. Padre will notify the SSCSD of any such changes in writing. Assumptions and limitations to our scope of services are presented below:

- The County will take the lead on issuing the Minor Use Permit/CDP for the Project;
- A CDP is not required from the CCC;
- The Project is outside of the MHTL and repairs are within the existing footprint;
- The County can exempt the CDP through the repair and maintenance clause; and
- Permit application fees are not included in the budget.

**CLOSING**

If you should have any questions regarding Padre's proposal and/or require additional information for review purposes, please contact Crystahl Taylor at (805) 786-2650, ext. 111.

Sincerely,

A handwritten signature in black ink that reads "Crystahl Taylor". The signature is written in a cursive, flowing style.

Crystahl Taylor  
Senior Project Manager

**CONSENT AGENDA ITEMS:**

- 6.A. DISCUSSION REVIEW AND APPROVAL OF PROPOSAL FROM PADRE ASSOCIATES, INC. FOR THE DISTRICT OCEAN OUTFALL LINE MAINTENANCE PROJECT – PERMITTING (\$32,980).**



## CONSENT AGENDA ITEM STAFF REPORT

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### **ITEM 6.A. DISCUSSION REVIEW AND APPROVAL OF PROPOSAL FROM PADRE ASSOCIATES, INC. FOR THE DISTRICT OCEAN OUTFALL LINE MAINTENANCE PROJECT – PERMITTING (\$32,980).**

#### Summary:

Attached is a proposal from Padre Associates, Inc. to provide permitting support for the Ocean Outfall Line Maintenance Project. This item has been on the agenda two times previously but lack of a quorum prevented the Board from taking any action.

#### Outcome:

GES Staff is recommending that the Board approve the proposal and direct the General Manager to enter into a contract with Padre to provide these services.

Enc: Proposal from Padre Associates, LLC

August 8, 2022  
Project No. 2202-1401

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

Attention: Charles Grace, General Manager

Subject: Proposal for the San Simeon Community Services District Outfall Pipeline Maintenance Project – Permitting Support

Dear Mr. Grace:

Padre Associates, Inc. (Padre) is pleased to submit this proposal to provide permitting support for the San Simeon Community Services District (SSCSD) Outfall Maintenance Project (Project). The proposal includes a scope of work and budget for preparation of the required permit application materials for the Project and coordination with Federal and State agencies during the permit application review process.

It is Padre's understanding that the Project will include an inspection of the outfall, replacement of anodes on exposed portions of the pipeline, placement of bags of marine grout under unsuspended spans of the pipeline, and the installation of Fabiform grout bag mattresses on the end cap of the outfall pipeline to stabilize the offshore end of the outfall. These activities will trigger permits from the California Coastal Commission (CCC), U.S. Army Corps of Engineers (ACOE), and the Regional Water Quality Control Board (RWQCB). The Project is within the Monterey Bay National Marine Sanctuary and the Cambria State Marine Conservation Area/State Marine Park (SMCA/SMP); therefore, Federal and State consultation will be required for the Project.

Below is a summary of the tasks included in this proposal:

### **SCOPE OF WORK**

#### **TASK 1 – TECHNICAL STUDIES**

##### **Task 1.1 – Biological Assessment**

Padre anticipates use of Nationwide Permit 3 – Maintenance (Task 3). Nationwide Permit 3 requires submittal of a Preconstruction Notification, which will also require a Biological Assessment and Essential Fish Habitat Assessment. The Biological Assessment will provide a summary of biological conditions on and around the outfall structure based on any available inspection video or reports and will identify any Project-related affects to Federal threatened or endangered species. The Biological Assessment is required for the ACOE Federal Endangered Species Act Section 7 Consultation for authorization of the Nationwide Permit and will be included in the Preconstruction Notification application.

### **Task 1.2 –Essential Fish Habitat Assessment**

Padre anticipates use of Nationwide Permit 3 – Maintenance (Task 3). Nationwide Permit 3 requires submittal of a Preconstruction Notification, which will also require an Essential Fish Habitat Assessment. The Essential Fish Habitat Assessment will provide a summary of essential fish habitat and conditions on and around the outfall structure based on any available inspection video or reports and will identify any Project-related affects to Federal threatened or endangered species. The Essential Fish Habitat Assessment is required for the ACOE Federal Endangered Species Act Section 7 Consultation for authorization of the Nationwide Permit and will be included in the Preconstruction Notification application.

### **Task 1.3 – Marine Biological Study**

Padre will prepare a Marine Biological Study that will be used during consultation with State agencies, including California State Parks and the California Department of Fish and Wildlife (CDFW) for potential access agreements or use permits regarding the Cambria SMCA/SMP (Task 5). The Marine Biological Study will provide a brief summary of biological conditions on and around the outfall structure based on any available inspection video or reports and will identify any Project-related affects to State threatened or endangered species.

### **TASK 2 – CALIFORNIA COASTAL COMMISSION COASTAL DEVELOPMENT PERMIT (IMMATERIAL AMENDMENT)**

Pursuant to email correspondence received from the CCC, an Immaterial Amendment to the existing Coastal Development Permit (CDP) 3-19-0020. Padre will prepare the Immaterial Amendment application and will submit it to the CCC.

### **TASK 3 – U.S. ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT AUTHORIZATION**

Implementation of the Project will result in the dredged and/or fill material within the Pacific Ocean, which is waters of the United States and within ACOE jurisdiction. Padre will prepare the Preconstruction Notification application and supporting materials to request a Nationwide Permit Authorization and submit the application package to the ACOE.

In order for the ACOE to issue a Nationwide Permit Authorization, they will need to consult with other Federal agencies regarding the Project, including, but not limited to National Marine Fisheries Service (NMFS) and the State Historic Preservation Officer (SHPO). Because the Project is considered a maintenance activity, and impacts to ACOE jurisdiction will be minimal, Padre does not expect that the ACOE will initiate formal consultation with NMFS pursuant to Section 7 the Federal Endangered Species Act. ACOE will also consult with the Monterey Bay Marine National Sanctuary regarding the Project. In addition, Padre does not expect ACOE will initiate consultation with SHPO regarding cultural resources.

### **TASK 4 – REGIONAL WATER QUALITY CONTROL BOARD WATER QUALITY CERTIFICATION**

Implementation of the Project will result in the dredged and/or fill material within the Pacific Ocean, which is waters of the States and within RWQCB jurisdiction. Under the new Federal 401 Rules, Padre will request a Pre-Filling Meeting Request prior to issuance of the Water Quality Certification application. After the Pre-Filling Meeting Request or after 30 days of the request,

Padre will prepare the Water Quality Certification application and submit the application package to the RWQCB.

Prior to issuance of a Water Quality Certification, the RWQCB requires compliance with the California Environmental Quality Act (CEQA). The Project qualifies for a Categorical Exemption, 15301. Existing Facilities. Padre will prepare the Notice of Exemption for approval by the District as lead agency under CEQA.

A Water Quality Certification requires an application fee, which is dependent on the Project impact and fill quantities. The Project impacts are unknown at this time; therefore, Padre is not able to calculate the application fee, and it is not included in our budget for this task.

**TASK 5 – STATE AGENCY CONSULTATION**

Padre will contact California State Parks and the CDFW to determine if access agreements and/or use permits are required for the Project pursuant to the Cambria SMCA/SMP. If access agreements and/or use permits are required, Padre will work with the State agency to obtain all requirements.

**COST ESTIMATE**

Costs associated with obtaining the required permits for the Project are included in Table 1. Padre will complete the above scope of work on a time and materials basis invoiced in accordance with Padre’s 2021 fee schedule. Padre will not exceed the total amount without written approval from the SSCSD.

**TABLE 1. COST ESTIMATE**

<b>Personnel/Item</b>	<b>Rate</b>	<b>Hours/Unit</b>	<b>Cost</b>
<b>TASK 1. TECHNICAL STUDIES</b>			
<b>Task 1.1 Biological Assessment</b>			
Principal Professional II	\$210	2	\$420.00
Senior Professional II	\$160	2	\$320.00
Project Professional II	\$130	20	\$2,600.00
Staff Professional	\$95	20	\$1,900.00
Senior GIS Specialist	\$110	4	\$440.00
<i>Task 1.1 Subtotal</i>			\$5,680.00
<b>Task 1.2 Essential Fish Habitat Assessment</b>			
Principal Professional II	\$210	2	\$420.00
Senior Professional II	\$160	2	\$320.00
Project Professional II	\$130	4	\$520.00
Staff Professional	\$95	24	\$2,280.00
Senior GIS Specialist	\$110	4	\$440.00
<i>Task 1.2 Subtotal</i>			\$3,980.00
<b>Task 1.3. Marine Biological Study</b>			
Principal Professional II	\$210	2	\$420.00
Senior Professional II	\$160	2	\$320.00

<b>Personnel/Item</b>	<b>Rate</b>	<b>Hours/Unit</b>	<b>Cost</b>
Project Professional II	\$130	16	\$520.00
Staff Professional	\$95	16	\$1,520.00
Senior GIS Specialist	\$110	4	\$440.00
<i>Task 1.3 Subtotal</i>			\$4,780.00
<i>Task 1 Subtotal</i>			\$14,440.00
<b>TASK 2. CALIFORNIA COASTAL COMMISSION COASTAL DEVELOPMENT PERMIT (IMMATERIAL AMENDMENT)</b>			
Principal Professional II	\$210	2	\$420.00
Senior Professional II	\$160	8	\$1,280.00
Project Professional II	\$130	8	\$1,040.00
Staff Professional	\$95	24	\$2,280.00
Senior GIS Specialist	\$110	2	\$220.00
<i>Task 2 Subtotal</i>			\$5,240.00
<b>TASK 3. U.S. ARMY CORPS OF ENGINEERS NATIONWIDE PERMIT AUTHORIZATION</b>			
Senior Professional II	\$160	8	\$1,280.00
Project Professional II	\$130	8	\$1,040.00
Staff Professional	\$95	24	\$2,280.00
Senior GIS Specialist	\$110	4	\$440.00
<i>Task 3 Subtotal</i>			\$5,040.00
<b>TASK 4. REGIONAL WATER QUALITY CONTROL BOARD WATER QUALITY CERTIFICATION</b>			
Senior Professional II	\$160	10	\$1,600.00
Project Professional II	\$130	8	\$1,040.00
Staff Professional	\$95	24	\$2,280.00
Senior GIS Specialist	\$110	4	\$440.00
<i>Task 4 Subtotal</i>			\$5,360.00
<b>TASK 5. STATE AGENCY CONSULTATION</b>			
Senior Professional II	\$160	10	\$1,600.00
Project Professional II	\$130	10	\$1,300.00
<i>Task 5 Subtotal</i>			\$2,900.00
<b>TOTAL</b>			<b>\$32,980.00</b>

An Immaterial Amendment requires an application fee of \$1,291.00. This fee is not included in our budget for this task.



## **SCHEDULE AND ASSUMPTIONS**

Several assumptions have been made in developing this proposal and cost estimate and, if not valid, will constitute a change in the scope of services, requiring an adjustment in Project cost and schedule. Padre will notify the SSCSD of any such changes in writing. Assumptions and limitations to our scope of services are presented below:

- The Biological Assessment and Essential Fish Habitat Assessment tasks will be based on existing literature and available inspection video or reports provided by the Client. Field surveys are not included in the budget for these tasks;
- The ACOE will request informal consultation from NMFS; therefore, formal Section 7 consultation is not anticipated;
- Padre does not expect ACOE will initiate consultation with SHPO regarding cultural resources; and
- Permit application fees are not included in the budget for Tasks 2 through 5.

## **CLOSING**

If you should have any questions regarding Padre's proposal and/or require additional information for review purposes, please contact Crystahl Taylor at (805) 786-2650, ext. 111.

Sincerely,



Crystahl Taylor  
Senior Project Manager

**CONSENT AGENDA ITEMS:**

- 6.B. DISCUSSION REVIEW AND APPROVAL OF PROPOSAL FROM BRENNAN FOR THE ANNUAL INSPECTION OF OCEAN OUTFALL LINE (\$11,703).**



## **CONSENT AGENDA ITEM STAFF REPORT**

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### **ITEM 6.B. DISCUSSION REVIEW AND APPROVAL OF PROPOSAL FROM BRENNAN FOR THE ANNUAL INSPECTION OF OCEAN OUTFALL LINE (\$11,703).**

#### Summary:

Attached is a proposal from Brennan to perform the annual inspection of the ocean outfall line.

#### Outcome:

GES Staff is recommending that the Board approve the proposal and direct the General Manager to enter into a contract with Brennan to provide the scope of work outlined in the proposal.

Enc: Proposal from Brennan

### San Simeon CSD Ocean Outfall Repair

Charles Grace <cgrace@graceenviro.com>  
To: Cortney Murguia <cmurguia@graceenviro.com>

Wed, Sep 28, 2022 at 6:57 AM

Please add his Ocean Outfall inspection quote to the October 11 agenda. You can print their email as the quote.

Charles Grace  
805 431 6253  
[www.graceenviro.com](http://www.graceenviro.com)

----- Forwarded message -----

From: Lauren Collins <lcollins@jfbrennan.com>  
Date: Tue, Sep 27, 2022 at 10:34 AM  
Subject: RE: San Simeon CSD Ocean Outfall Repair  
To: Charles Grace <cgrace@graceenviro.com>  
Cc: Jeremy 'Albe' Albert <jalbert@jfbrennan.com>, Merrill Collins <mcollins@jfbrennan.com>

Understood. We can definitely schedule an inspection in the next few weeks or later this fall as well. Please see pricing below. I can send a change order request to the outfall repairs contract with the inspection cost or I can send over a new proposal? Whatever works better for you. Our price went up slightly from last year due to fuel prices.

J. F. BRENNAN - PRICING SUMMARY					
Bid Item	Description	Unit Price	Units	UOM	Subtotal
Mobe	Mobilization/Demobilization (per occurrence)	\$ 1,539.00	1	LS	\$ 1,539.00
1	Ocean Outfall Dive Inspection	\$ 10,164.00	1	LS	\$ 10,164.00
<b>Extended Total =</b>					<b>\$ 11,703.00</b>

Thank you!



**Lauren Collins**  
Senior Project Manager

lcollins@jfbrennan.com | www.jfbrennan.com  
Cell: 707.389.0678



J.F. Brennan Company, Inc.  
Benicia Office  
6420 Goodyear Rd.  
Benicia, CA 94510

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From: Charles Grace <cgrace@graceenviro.com>  
Sent: Wednesday, September 21, 2022 12:31 PM  
To: Lauren Collins <lcollins@jfbrennan.com>; Gwen Kellas <gkellas@sansimeoncsd.org>  
Cc: Merrill Collins <mcollins@jfbrennan.com>; Jeremy 'Albe' Albert <jalbert@jfbrennan.com>; Crystahl Taylor <ctaylor@padreinc.com>  
Subject: Re: San Simeon CSD Ocean Outfall Repair

**Business Action Item**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 7.A. DISCUSSION, REVIEW AND APPROVAL REGARDING A CHARLES SCHWAB BROKERAGE /CHECKING ACCOUNT.**

#### Summary:

This item was placed on the agenda at the request of Director Donahue. Staff is asking that the Board provide direction regarding this request.

Enc: Correspondence from Adam Guise (District Auditor)

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## Question Regarding Investment of District Funds

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**Adam Guise** <aguise@mlhcpas.com>

Thu, Sep 15, 2022 at 5:56 AM

To: Cortney Murguia <cmurguia@graceenviro.com>

Cc: Charles Grace <cgrace@graceenviro.com>, SSCSD Bookkeeper <bookkeeper@sansimeoncsd.org>, Steve@graceenviro.com

Cortney,

The focus on public investing is on safety which is why many agencies invest with LAIF but other options are available but can require an employee or treasurer that is knowledgeable, comfortable, and has the time and trust of the rest of the Board to make prudent investment decisions for the District. The District would have to update its investment policy (get approval of the Board) to specifically allow whatever investments are being looked at. The attachment is a long guide designed for special districts. Pdf page 22 has a sample investment chart and policy (note that mutual funds such as one of Charles Schwab's main services are recommended to be limited to no more than 20% of total investments and adhere to footnotes P and Q on pdf page 23.

[Quoted text hidden]

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Adam Guise, C.P.A.

Partner

Moss, Levy & Hartzheim LLP

Office: (805) 925-2579

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 **Local\_Agency\_Investment\_Guidelines.pdf**  
461K

# Public Hearing Item





## **PUBLIC HEARING ITEM STAFF REPORT**

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**ITEM 6.A.PUBLIC HEARING PURSUANT TO SSCSD ORDINANCE 107 HARDSHIP –** hearing to review water will serve requests based on hardship applications and responses from: Mr. Marcum, Mr. Hurlbert, Mrs. Seifert and Mrs. Brajcich.

Summary:

The District has received four (4) hardship requests from property owners on the water waitlist. Pursuant to Ordinance 107, this item is being reviewed via a public hearing.

Enc: Hardship Requests from Property Owners



Charles Grace &lt;cgrace@graceenviro.com&gt;

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## Hardship Application

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**Ron Hurlbert** [REDACTED] >

Sun, Jun 12, 2022 at 5:59 PM

To: charles Grace &lt;cgrace@graceenviro.com&gt;

Cc: Gwen Kellas &lt;gkellas@sansimeoncsd.org&gt;, ddelarosa@sansimeoncsd.org, mcdon1122@gmail.com, mpowergiacoletti@gmail.com, admin@sansimeoncsd.org

Mr. Charles Grace  
General Manager  
San Simeon Services District

Dear Charlie,

Under Ordinance 102 Section V I am hereby requesting a hardship exemption.

I am the owner of vacant land in San Simeon being parcels 1 and 2 of a portion of lot A of San Simeon Rancho.

The parcels are directly across the street from the district office.

I am water wait position number 5. I have been on the list since the moratorium was created. I purchased the property 36 years ago.

Without being able to accrue any benefit from my property it has been a financial hardship. I have paid my taxes and have done upkeep on the lot according to policies established by the district. The acts of the district have directly led to my hardship and I am asking the district for relief.

I am requesting 6 water hookups(6 edu's) for low income housing. There will be no environmental impacts with respect to any development on the land. There will be minimal traffic impacts as the proposed development will be small affordable housing units. The property has a gentle grade which will require minimal storm water problems for the district. The only vegetation on the lot at this time are the annual grasses which I pay to remove which helps with fire protection.

I am requesting an immediate hearing on my exemption, which I am required to be given, as stated in the ordinance. Please notify me as to when the hearing will be scheduled. Also, please immediately notify me of your receipt of this email.

Thank you for your consideration.

Ron Hurlbert  
[REDACTED]



Charles Grace &lt;cgrace@graceenviro.com&gt;

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**Fw: Hardship application**

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**San Simeon CSD** <admin@sansimeoncsd.org>  
To: Jeffrey Minnery <jminnery@ammcglaw.com>  
Cc: Charles Grace <cgrace@graceenviro.com>, Gwen Kellas <gkellas@sansimeoncsd.org>

Sat, Aug 20, 2022 at 7:21 PM

FYI

*Cortney Murguia*  
(805) 927-4778

---

**From:** Ron Hurlbert <[REDACTED]>  
**Sent:** Saturday, August 20, 2022 7:09 PM  
**To:** San Simeon CSD <admin@sansimeoncsd.org>  
**Cc:** Gwen Kellas <gkellas@sansimeoncsd.org>  
**Subject:** Re: Hardship application

Answers to "hardship waiver worksheet." 8/20/2022

1. 35 years with no opportunity to build even though there has been water available for all or a portion of that time.
2. 2 EDU's
3. Yes. san simeon services district RO plant
4. none
5. Much less the that is generated by the district office and RO plant.
6. none
7. none
8. Yes. There is potential to change the residential zone to commercial and industrial uses based on neighborhood characteristics that the district created.
9. The district office and RO plant are illegally placed across the street from my property. By granting the hardship application  
I would agree to not exercise my legal rights against the district for their negligence and illegal actions.

Any additional questions/answers that the district requires I will be happy to answer in open hearing that I am entitled to under the ordinance.

Ron Hurlbert

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Charles Grace &lt;cgrace@graceenviro.com&gt;

## Hardship Exemption

3 messages

Seifert Dairy &lt;[REDACTED]&gt;

Tue, Aug 23, 2022 at 12:12 PM

Reply-To: Seifert Dairy &lt;[REDACTED]&gt;

To: "cgrace@graceenviro.com" <cgrace@graceenviro.com>, "gkellas@sansimeoncsd.org" <gkellas@sansimeoncsd.org>, "ddelarosa@sansimeoncsd.org" <ddelarosa@sansimeoncsd.org>, "mcdon1122@gmail.com" <mcdon1122@gmail.com>, "mpowergiacoletti@gmail.com" <mpowergiacoletti@gmail.com>, "admin@sansimeoncsd.org" <admin@sansimeoncsd.org>

Dear Mr. Grace, etal

1. We have waited 25+ years for a water allocation that would enable us to build our dream home. During that time frame we have continued to incur expenses such as bank payments + interest, property taxes, fire prevention, etc. while not being notified that there was adequate water available for all or most of that time. I am almost 84 years old and not in the best of health, the idea that I have to wait several years longer because one individual will be given ALL of the water and development rights is heartbreaking!!

2. Sufficient water for a residence and landscaping.

3. No

4. There are no trees or bushes on the property.

5. Minimal traffic, two cars.

6. None

7. None

8. Yes, there are 6 Condo's listed on the Water Wait List.

9. What I feel is Very relevant to not just our property, but to ALL of the other property owners listed on the Water Wait List, is the fact that all of a sudden the Board is RUSHING to give Cavalier Inn, Inc ALL of the water rights that they have been guarding so closely for so many years. To allow Cavalier to change their motel positions to residential is unbelievable!!! I am hoping that the Board can appreciate all of the years, time and money that the rest of the people on the list have invested into your community only to be kicked to the side of the road for corporate greed!!!

Best,

**Joy Ann Seifert**



Grace enviro &lt;cgrace@graceenviro.com&gt;

Wed, Aug 24, 2022 at 9:55 AM

To: Seifert Dairy &lt;[REDACTED]&gt;

Cc: gkellas@sansimeoncsd.org, ddelarosa@sansimeoncsd.org, mcdon1122@gmail.com, mpowergiacoletti@gmail.com, admin@sansimeoncsd.org

The office is in receipt of your hardship response.

Charles Grace  
GES  
805 431 6253

On Aug 23, 2022, at 12:12 PM, Seifert Dairy <rrjseifert@aol.com> wrote:

[Quoted text hidden]

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**Gwen Kellas** <gkellas@sansimeoncsd.org>  
To: Seifert Dairy <[REDACTED]>  
Cc: Charlie Grace <cgrace@graceenviro.com>

Wed, Aug 24, 2022 at 7:26 PM

Good evening Ms. Seifert,

I am confused as to why you would possibly think the District is giving away all the water to one person. The Akel report, available on the San Simeon CSD web site, clearly states there is enough water for the current wait list. Yes the Cavalier is in the number one spot and has been on the current wait list for the longest time--and yes, it is sequential, but, I emphasize that the District has never discussed, or considered such an outlandish idea. Please kindly share where or why you would think this so the District can address this and assuage your concern.

Warm regards,

Gwen K.

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**From:** Grace enviro <cgrace@graceenviro.com>  
**Sent:** Wednesday, August 24, 2022 9:55 AM  
**To:** Seifert Dairy <[REDACTED]>  
**Cc:** Gwen Kellas <gkellas@sansimeoncsd.org>; Daniel De la Rosa <ddelarosa@sansimeoncsd.org>; mcdon1122@gmail.com <mcdon1122@gmail.com>; mpowergiacoletti@gmail.com <mpowergiacoletti@gmail.com>; San Simeon CSD <admin@sansimeoncsd.org>  
**Subject:** Re: Hardship Exemption

[Quoted text hidden]



Charles Grace <cgrace@graceenviro.com>

# HARDSHIP APPLICATION

Seifert Dairy <[REDACTED]>

Mon, Jun 13, 2022 at 5:15 PM

Reply-To: Seifert Dairy <[REDACTED]>

To: "cgrace@graceenviro.com" <cgrace@graceenviro.com>

Cc: "gkellas@sansimeoncsd.org" <gkellas@sansimeoncsd.org>, "ddelarosa@sansimeoncsd.org" <ddelarosa@sansimeoncsd.org>, "mcdon1122@gmail.com" <mcdon1122@gmail.com>, "mpowergiacoletti@gmail.com" <mpowergiacoletti@gmail.com>, "admin@sansimeoncsd.org" <admin@sansimeoncsd.org>

Mr. Charles Grace  
General Manager  
San Simeon Services District  
June 13, 2022

Dear Mr. Grace:

My name is Joy Ann Seifert and I am requesting a hardship exemption under Ordinance 102, Section V, as listed on your regular Board Meeting agenda of June 6, 2022. I am the owner of a vacant lot located at [9005 Balboa Avenue](#) in San Simeon. My husband and I purchased this parcel more than twenty five years ago with the intention of building our retirement home there. When we first purchased the property I attended several Community Service Board meetings personally and then we hired a consultant, Kathy Novak, in an attempt to obtain water for our dream home. We even spent thousands of dollars to have Cal Poly's engineering team draw up the plans for a totally self-contained residence. The rain water would be collected into a cistern system which would purify it for domestic use and the dish, bath and laundry water was also be treated for use in landscaping, car washing, etc.. All of our efforts over the years have been denied.

I am an 83 year old widow, my husband of 55 years passed away 7 years ago and I currently live by myself on a fixed income. It had been our dream of more than two and a half decades to build our home here! My husband and I had saved every penny to be sure that we could finally have a home of our own to build memories with our daughters (and now granddaughters). If we can acquire sufficient water to finally move forward, it will bring us one step closer to that dream.

I am currently listed in Position Number 6 on Table 3, the Water Wait List. I am requesting one yard meter for minimal low water use plants and one residential hook-up for a single family home. There are no environmental issues with my parcel. There are no trees or bushes on the lot and the only vegetation is some ice plants and native grasses, which are mowed yearly for fire suppression. There will be no major traffic impact or adverse environmental impact from a single family home. We have been saving and planning for decades for our perfect beach home and strongly support the modification of Item I, to Draft a Water Will Serve Letter and begin revisions to District Ordinance No. 102.

I am requesting a Water Will Serve Letter under the Hardship Clause of the Moratorium Ordinance. I would greatly appreciate it if you could acknowledge receipt of this e-mail and give me a date and time for the Public Hearing and Approval by the Board so I can be sure that I remain within the mandatory timeline. If you have any further questions please contact me at the cell phone number listed below or email me at the email address also listed below. Thank you for your kind consideration of this lengthy matter.

Best,

**Joy Ann Seifert**

[REDACTED]  
[REDACTED]  
[REDACTED]

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*Lloyd Marcus D.D.S. Inc.*

*Practice Limited to Endodontics*



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

May 22, 2022

Re: Avonne Avenue San Simeon, CA 93452 APN: 013-071-016

Dear Sirs,

Recent changes in the allocation of Will Serve letters for the San Simeon CSID have prompted this letter to you. It apparently has been established that there is sufficient water for all of the applicants on the water service wait list. I am told by Charlie Grace that I am number 12.

Please let this letter serve as an application for service under the "Hardship Application" of section V of ordinance 102:

Considerations under this section include: (1) nature and extent of financial hardship, (2) extent of proposed usage of water, (3) existence of suspected environmental problems within the vicinity of the applicant, (4) amount of removal of vegetation, (5) amount of traffic to be generated, (6) the general magnitude of potential adverse environmental impacts, (7) potential storm water generation (8) whether the subject property has the potential for re-zoning, and (9) such other factor as may be significant relative to the individual property and circumstances. I will address each of these individually for consideration.

1. The nature and extent of the financial hardship is extensive to me, my retirement and my family. The monetary detriment to the property with no water is obvious. I purchased this property with the intent of finding a place to retire with a small Mixed Use development that I would be able to manage and eventually pass down on my death to my heirs. Being unable to develop this property for which it is zoned and intended affects my family in perpetuity. Being unable to fulfill my retirement dreams is a psychological hardship.

2. Based on this and similar projects the water usage should be about 1.4 Acre Feet per year.

3. My plan has been verbally presented to the county without objections. Formal plans will be drawn soon. There are no known environmental problems at this property or the adjacent properties that I am aware of. My undergraduate degree from USC is in Marine Biology. I wrote environmental reports and studies for the marine center. I doubt there will be any concerns.

4. I have maintained the property as required by removing growth for fire concerns. Some native grasses will need to be removed, and there are no indigenous trees on the property. My plans will include copious landscaping with species concurrent with the location of the project and the community.

5. Traffic will be reviewed by the county prior to construction, but I have removed the unsightly traffic that was finding a home on my property and becoming a blight on the community. We need more housing and with this comes some burden to the local traffic.

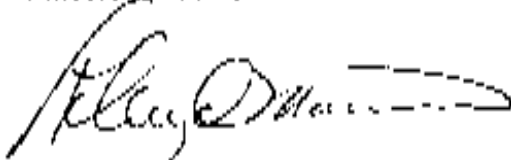
6. The property is being developed for the zoning as it was intended. Once a favorable response to this submission is granted by the CSID, formal plans will be submitted to the county for environmental review.

7. Storm water will be contained per county regulation and should be able to be contained entirely on site or as required

8. No re-zoning should be necessary for this site.

Thank you in advance for considering this hardship application. Please enter this letter into the record for future reference and review. I give my permission to make this letter public and/or disclose and read it in open session of the CSID.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Lloyd Marcum". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Lloyd Marcum DDS  
Practice Limited to Endodontics

c: File



Charles Grace &lt;cgrace@graceenviro.com&gt;

## Input for handling will-serve letter procedures

1 message

**Sherry Stuckey** [REDACTED]

Tue, Sep 6, 2022 at 9:12 PM

To: Michael Donahue <mcdon1122@gmail.com>, "mpowergiacoletti@gmail.com" <mpowergiacoletti@gmail.com>, Charles Grace <cgrace@graceenviro.com>, San Simeon CSD <admin@sansimeoncsd.org>, "ddelarosa@sansimeoncsd.org" <ddelarosa@sansimeoncsd.org>, "gkellas@sansimeoncsd.org" <gkellas@sansimeoncsd.org>

Hello everyone:

During the first reading of Ordinance 124 this evening, in the public comment section, I mentioned that you might consider a few workshops with stakeholders to flesh out the policies for allocating will-serve letters.

I would like to give my input on how I think that will serve letter dissemination should occur. Here are my thoughts:

- 1) Lift the moratorium, assuming that you have additional water as validated by the Akel report. You invested in the report, and the RO system, and have been working towards this, and, so, you have laid the groundwork to justify doing it.
- 2) Open up a call for "letters of intent" from those on the waitlist, and also the general community, by sending out a notification letter to all APNs in San Simeon Acres. The letter of intent would specify the requested amount of EDU's needed for "immediate" development [defined as within 1 year of receiving a permit]. Place a 30 day time limit on the call for letters of intent, and issue the call for letters of intent every 90 days until all of the EDUs are reserved.
- 3) Send a contingent will-serve letter to each developer who submitted a letter of intent in order of those on the waitlist. The contingencies would include the following:
  - a. Any outstanding reports that may implement another moratorium or reduce the assumed available acre feet. Should the developer proceed with planning and building efforts, they would do so at their own risk. The District would accept zero liability for issuing the will serve letter.
  - b. The letter would provide 90 days for proof of an application and/or plan submission to the County of San Luis Obispo. If this is not done, and the letter expires, and the EDUs go from "reserved" to available to the next party in order on the list until the end of the list is reached. At that point, the process would start over again. Upon acceptance of the proof of submission, the San Simeon Community Services district would reserve the EDUs for the developer until their permit is received for a period not to exceed 18 months.
  - c. The developer would commit to incorporating "offsets" into their plans such as procuring low flow fixtures for others (idea from Michael Donahue), creating water catchment or gray water systems, etc. Theoretically, an assignment of acre feet could be defined for each offset, and the developer may even be able to cover their entire EDU request by simply agreeing to offsets.
  - d. The EDU reservation is allocated to the parcel(s), and not the individual. They are not individual assets, but assets tied to the property, and transferrable with the property plans.

e. The Developer would agree to make every effort to avoid blocking more than 40 percent of any other property Owner's view or sunlight. I did not find any provisions for this in San Luis Obispo County's Title 23 development guidelines, but I think that it would be nice for the community to work on this provision as a contingency in the will-serve letter.

4) Upon receipt of the permit, **the number of EDUs would be corrected to reflect the actual size of the development.** The amount could not exceed the initial request, however. The developer would have 90 days to pay for their water meter connection in full. At that point, the EDUs would be taken out of the pool of available EDUs.

I believe that the zoning and building and planning procedures established by the County of San Luis Obispo, and agencies that will evaluate the projects, during the permitting cycle will naturally "correct" any developments which are not in line with the overall desires of the community. There are provisions for public comment with the County of San Luis Obispo that would shape the outcome of any major developments. This is, in effect, like an economic market correction, but here it is a development correction. Should, for example, the Coastal Commission deem a project to be too large, too much, etc. they will not approve it, as they have done frequently in other areas, including Los Osos.

Thank you for taking my input on this matter.

Sherry Brajcich



Charles Grace &lt;cgrace@graceenviro.com&gt;

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## Hardship Waiver Worksheet Response

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**Sherry Brajcich** <[REDACTED]>

Thu, Aug 25, 2022 at 10:38 PM

To: San Simeon CSD &lt;admin@sansimeoncsd.org&gt;

Cc: Charles Grace &lt;cgrace@graceenviro.com&gt;, gkellas@sansimeoncsd.org, ddelarosa@sansimeoncsd.org, Michael Donahue &lt;mcdon1122@gmail.com&gt;, mpowergiacoletti@gmail.com

Hello,

In response to your letter dated 8/15/2022, please find the attached response to the 9 points of Ordinance 102 for [9170 Castillo Drive, San Simeon, CA 934352](#).

I believe that my hardship request resonates with the general purpose and intent of the ordinance.

Additionally, this parcel has an existing structure and it formerly had both water and electricity before the lot was split in 1972. Therefore, granting the hardship will not increase water use *entitlement*, as the property was required to have utilities at the time of the lot split as described in point "9" below.

Finally, though I am on the waitlist for 2.0 EDUs, this hardship requests asks only for 0.4 EDUs, as I am more than glad to wait for 1.6 EDUs using the channels prescribed by the district. The urgency to receive 0.4 EDUs is described below.

Thank you for your time and consideration.

Sherry Brajcich

### Attached Response:

**From:** Sherry Brajcich <[REDACTED]>**Subject:** Hardship Request Follow-Up to Nine Points in Ordinance 102**Date:** August 11, 2022 at 10:01:40 AM PDT**To:** gkellas@sansimeoncsd.org, ddelarosa@sansimeoncsd.org, Michael Donahue <mcdon1122@gmail.com>, mpowergiacoletti@gmail.com, Charles Grace <cgrace@graceenviro.com>**Cc:** San Simeon CSD <admin@sansimeoncsd.org>

Hello everyone,

At the last meeting, Chair Kellas indicated that all hardship applicants should respond to the nine points referenced in Ordinance 102 for use in evaluating a hardship request. Following is my response...

### 1) Nature and extent of financial hardship...

My husband and I purchased 9170 Castillo Drive in 2019 so that I could change careers and have a place to develop into a creative space selling art, jewelry, and collectibles. It was in disrepair. We could not obtain business insurance until it was repaired. Because cars were driving through the lot and people were camping on the premises, we were concerned about liability to the general public. We asked the County for a permit to repair the building, and they said that we couldn't repair it, or do anything to it, without a 1/2 bathroom, as it is a requirement for nearly all commercial uses. We asked the San Simeon Community Services District to allocate the water meter that should have been a requirement for the lot split completed in 1972 ([Cal. Business and Professions Code §§ 11018](#)), but were denied the request. When California entered a state of emergency, the ordinance provided a means for us to repair the structure, and we commenced the effort. The County of San Luis Obispo disagreed with our interpretation of the ordinance and asked us to secure a permit. We secured one

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and completed the repairs, with a permit, in 2021.

In 2019 I had asked to be placed on the water wait list. We were initially told that the fee to be on the waitlist was discretionary. When our request for a grandfathered meter was denied, I asked to be placed on the waitlist. I was then told that the fee was fixed, at \$2,280 per EDU. This change was rapid — over the course of a couple of days, and I was also told that the fee would be increased the next day. I didn't understand that the amount due would be 10% of price per EDU, because the e-mail I received did not make this clear, and no ordinance was available to review. (It was a miscommunication between two communicators, that is all. I am merely recounting this to explain why there was a delay in obtaining a waitlist position). Since I was using my limited cash to make the repairs, I made the decision to cancel our waitlist request until we were done with repairing the structure. I felt that the option to be on the waitlist would be open to me at a later date.

I did not realize that the County was conducting a "System-Wide Water Supply Study," and that I would be locked out of being able to be considered for a water allocation as a part of that study. Had I known any of this, I would have most certainly made placement on the waitlist a priority. In 2022, I placed us on the waitlist for 2.0 EDUs, **but I am only asking for 0.4 EDUs for this hardship.** I am willing to wait in line for the additional 1.6 EDUs, because that is fair to the others ahead of my waitlist position.

My financial hardship is that all of my savings has gone into repairing 9170 Castillo Avenue and starting up my business. The County of San Luis Obispo has permitted me to sell outside of the property structure two days per week, but we need to change our commercial use (not zoning) from storage to retail, and we need a 1/2 bathroom to do this. By not having the optimal commercial use, my business is hindered by a variety of factors such as not being able to: open more than two days per week, post signage to draw in passers by, erect fixtures on the property, charge credit card readers, have security mechanisms, or even have lighting. This negatively impacts my ability to operate and earn revenue. Since all of my income should be derived from this business, not having a water meter poses a significant financial hardship.

## **2) Extent of proposed usage of water...**

0.4 EDUs for a toilet and small sink for hand washing, as required by the County of San Luis Obispo to convert the property USE (not zoning) from storage to retail.

Should the hardship moratorium waiver be granted, I am requesting that our waitlist request would change from 2.0 EDUs to 1.6 EDUs, and that we would be in the queue subject to the same procedures as the others on the waitlist.

## **3) Existence of suspected environmental problems within the vicinity of the applicant...**

None

The structure is already built.

## **4) Amount of removal of vegetation...**

None. We have retained the original vegetation.

## **5) Amount of traffic to be generated...**

No additional traffic would be added, because the traffic already exists.

This is zoned commercial and serves the local residents and those passing by on Highway 1.

## **6) The general magnitude of potential adverse environmental impacts...**

The structure is already repaired with permits in its original character.

Because it is already built, there are no potential adverse environmental impacts.

## **7) Potential storm water generation...**

None, but approval of this hardship would enable us to change our commercial use (not zoning) from storage to mercantile, and, with the new commercial use, we could install water catchment systems for use on the grounds.

## **8) Whether the subject property has the potential for re-zoning...**

No potential for re-zoning, just the potential to change the commercial "use."

Only the County of San Luis Obispo would enact re-zoning, and we are not aware of any plans for this.

## **9) Other factors as may be significant relative to the individual property and circumstance**

The subject property was split into two 1/2 acre pieces in 1972. The subject property and its neighbor, the Wampum Trading Post, had utilities at the time of the lot split.

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California Sub-division Law ([Cal. Business and Professions Code §§ 11018](#)) states that, in splitting a property, the split parcels must not be subordinate to the parent parcel, and all utilities should be installed as a condition of the lot split. In this case, the property split may have been approved by the County of San Luis Obispo without regard to this law. Detailed records were not discovered to understand the details surrounding the split approval. I believe that a water meter should be grandfathered for the subject property because of this law, and am asking that you also take this into consideration when evaluating this hardship request, because you are the only authority that we can appeal to on this issue.

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Charles Grace &lt;cgrace@graceenviro.com&gt;

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## Hardship Request 0.5 EDUs

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**Sherry Stuckey** <sherry@dreamingowlbarnyard.com>

Mon, Jun 20, 2022 at 2:43 PM

To: Michael Donahue <mcdon1122@gmail.com>, "mpowergiacoletti@gmail.com" <mpowergiacoletti@gmail.com>, Charles Grace <cgrace@graceenviro.com>, San Simeon CSD <admin@sansimeoncsd.org>, "ddelarosa@sansimeoncsd.org" <ddelarosa@sansimeoncsd.org>, "gkellas@sansimeoncsd.org" <gkellas@sansimeoncsd.org>  
Cc: "cmurguia@graceenviro.com" <cmurguia@graceenviro.com>, San Simeon CSD <admin@sansimeoncsd.org>

Hello Chairperson Kellas, Directors de la Rosa, Donahue, Giacoletti; and General Manager Grace:

At the suggestion of Director Donahue and General Manager Grace, I would like to apply for a hardship exemption to receive 0.5 EDUs for my property situated at [9170 Castillo Drive, San Simeon, CA. 93452](#).

My husband, John and I, have owned the property since 2018. We have cleaned it up and invested much of our savings into it. We built a fence, refurbished the structure with a permit, and we also keep the lot clear of brush. We purchased it so that I could start an Art Gallery | Souvenir shop called Dreaming Owl Barnyard. Here is a link to our website, which is still being formed, so please understand that we don't have a lot of products yet [www.DreamingOwlBarnyard](http://www.DreamingOwlBarnyard). The County of San Luis Obispo approved for us to sell outside "from a vehicle" two days per week on this parcel. We plan on opening soon, and are getting our products ready.

Our building was approved separately as a "storage building." Its use is restricted to storage, but, if we had a will-serve letter for a 1/2 bath, we could change the use to a mercantile and offer more services to the community. The required EDU's for this effort would be 0.5.

I was a REALTOR in my pre-Cambria/San Simeon life, and I stopped doing that to develop a new business creating and selling jewelry, art, and souvenirs. I am bootstrapping the business, and this is why I didn't try to place our request on the list sooner — simply because I was putting my cash towards equipment and inventory. I was focusing on setting up production and didn't realize that the water study was underway and that you were working on satisfying the water requirements for the existing list until it was too late.

While I would like to ultimately request an additional 3.3 EDUs for add another barn to expand our retail collection, I understand that this request would be considered after the Members on the existing list would have their allocations granted. I am glad to wait for this, but hope that you are able to grant a will-serve letter for 0.5 EDU's so I can change the use of our storage building to a mercantile which would enable us to offer more services to the community.

Please let me know if you have questions, or need additional information to make your decision. If you would like for me to appear at a public hearing, please let me know when.

Thank you for your consideration.

Sherry Brajcich  
805.216.3700



9170 Castillo Drive  
San Simeon, CA. 93452