

MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR BOARD MEETING
Tuesday, December 14, 2021
5:00 pm

Pursuant to San Simeon CSD Resolution 21-437 and in compliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

1. REGULAR SESSION: 5:02 PM

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

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment –

(8:40) Henry Krzciuk commented on the November 29, 2021 closed session report out.

(12:40) Julie Tacker commented on the Board decision to indemnify Grace Environmental Services. She stated that Mr. Grace is a bright man.

(17:30) Michael Donahue asked Charlie Grace if he was the General Manager and had taken the Oath of Office. Mr. Grace responded that he was the General Manager and stating that he had taken the Oath of Office.

3. SPECIAL PRESENTATIONS AND REPORTS: (18:44)

A. STAFF REPORTS:

- i. **Sheriff's Report –** None
- ii. **CHP Report –** (18:46) Lt. Chandler Stewart provided a summary report of November activities.
- iii. **Superintendent's Report –** (22:00) Charlie Grace provided a summary of November activities.
- iv. **General Manager's Report –** (23:10) Charlie Grace provided a summary of November activities. Jeff Oliveira provided a brief update on the LCP grant.
- v. **Financial Summary –** (27:33) Charlie Grace provided a summary of November activities.
- vi. **District Counsel's Report –** (28:50) Jeff Minnery provided a summary of November legal activities.
- vii. **Board Member Report –** (29:54) None.

B. AD-HOC COMMITTEE REPORTS:

- i. Status Update Disbursements Journal Review Committee – (30:01) No update was provided.
- ii. Status Update Policy & Procedures Committee – (30:10) The committee's recommendations will be presented at the January Board meeting.
- iii. Status Update Parking on District Streets – (30:25) None.
(30:58) Michael Donahue and Jeff Oliveira discussed the CHRP grant and a date for the kickoff meeting. The possibility of a conference call with members of the public was discussed.
- iv. Status Update Budget & Water Committee – (33:45) No update was provided.

Public Comment –

(34:12) Julie Tacker commented.

(41:00) Henry Krzciuk commented.

(43:50) Michael Donahue asked about pulling Item 4E from the consent agenda.

(44:20) Michael Cruz commented.

4. CONSENT AGENDA ITEMS:

(46:18) Director Donahue, Chairperson Kellas, and Jeff Minnery discussed the process of pulling an item from the consent agenda. Jeff Minnery clarified the process. There was continued discussion about consent agenda item 4E.

- A. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR MEETING ON NOVEMBER 9, 2021.**
- B. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON NOVEMBER 29, 2021.**
- C. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**
- D. ADOPTION OF RESOLUTION 21-438 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB-361.**
- E. APPROVAL OF A CONFLICT WAIVER REGARDING SB1383 AND SLO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (IWMA).**

(49:48) Chairperson Kellas asked that page 2 Item 3B of the November 29, 2021 minutes be corrected. Director de la Rosa's vote be reflected as a "Yes".

(50:00) Vice-Chairperson Giacoletti requested that page 7 Item 6H of the November 9, 2021 minutes be corrected. The sentence "Her and Jeff Minnery" be changed to "Jeffrey Minnery and her".

(51:35) Vice-Chairperson Giacoletti asked about several payments that were part of the disbursements journal.

Public Comment –

(54:50) Henry Krzciuk commented.

(57:45) Julie Tacker commented.

(1:00:21) A motion was made to approve items A-E of the consent agenda with the recommended changes to the meeting minutes.

Motion: Chairperson Kellas

2nd: Director de la Rosa

Vote: 4/0

Absent: 0

Roll Call: Kellas: Yes

Giacoletti: Yes

de la Rosa: Yes

Donahue: Yes

5. PUBLIC HEARING:

- A. SECOND READING AND ADOPTION OF ORDINANCE NO. 123 OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT TO ADOPT MANDATORY SOLID WASTE, ORGANIC WASTE, AND RECYCLING MATERIALS RULES AND REGULATIONS AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA. (1:01:12)**

(1:02:00) Director Donahue commented that this matter seemed complex and would create additional workload for staff. Jeff Minnery provided background information on the need for Ordinance No. 123.

(1:04:25) There was further discussion on this matter between Vice-Chairperson Giacoletti, Director Donahue, and Director de la Rosa.

Public Comment –

(1:09:55) Henry Krzciuk commented.

(1:13:35) Julie Tacker commented.

(1:16:35) Michael Hanchett commented.

(1:17:49) A motion was made to place a hold on the transfer of solid waste powers.

(1:18:04) Jeff Minnery provided additional information to the Board about SB1383 rules and applicable state mandates related the bill. Director Donahue and Chairperson Kellas further discussed solid waste powers.

(1:22:10) A motion was made to waive the full reading and adopt Ordinance 123 by title.

Motion: Chairperson Kellas

2nd: Director de la Rosa

Vote: 4/0

Absent: 0

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

6. BUSINESS ACTION ITEMS: (1:23:20)

A. REVIEW OF THE DRAFT AUDIT FOR FISCAL YEAR 2020/2021.

Public Comment –

(1:25:05) Julie Tacker commented.

(1:26:15) Adam Guise reviewed the fiscal year audit.

(1:33:00) Charlie Grace and Adam Guise discussed enterprise funds and solid waste revenue. Director Donahue and Adam Guise discussed the rise in legal bills.

Public Comment –

(1:36:05) Julie Tacker commented.

(1:38:40) A motion was made to approve the Draft 2020/2021 Fiscal Year audit.

Motion: Chairperson Kellas

2nd: Director de la Rosa

Vote: 4/0

Absent: 0

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

PUBLIC HEARING ITEM CONTINUED: (1:39:25)

B. INTRODUCTION OF ORDINANCE NO. 122 OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT TO ADOPT AN ORDINANCE REGARDING PARKING REGULATIONS.

(1:40:00) There was discussion between Director de la Rosa, Vice-Chairperson Giacoletti, and Chairperson Kellas discussed parking on vacant lots. There was further discussion about issuance parking permits to residents.

Public Comment –

(1:45:20) Henry Krzciuk commented.

(1:49:05) Miguel Sandoval commented.

(1:49:40) Mike Hanchett commented.

(1:51:00) There was discussion between Jeff Minnery, Director de la Rosa, and Director Donahue about camping on District sidewalks.

(1:52:50) A motion was made to approve Ordinance No. 122 with the recommended edits.

Motion: Chairperson Kellas

2nd: Director Donahue

Vote: 4/0

Absent: 0

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

7. BUSINESS ACTION ITEMS:

B. APPROVAL FOR ATS, INC TO PERFORM STRUCTURAL INSPECTION OF THE PIPE BRIDGE NOT TO EXCEED THE AMOUNT OF \$4,000.00. (1:54:20)

Chairperson Kellas recused herself.

(1:55:10) Charlie Grace introduced the item.

Public Comment –

(1:57:01) Henry Krzciuk commented.

(1:59:35) Julie Tacker commented.

(2:01:05) A motion was made to approve ATS, Inc. to perform a structural inspection of the pipe bridge not to exceed the amount of \$4,000.00.

Motion: Director de la Rosa

2nd: Director Donahue

Vote: 3/0

Recused: 1 - Kellas

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

(2:02:00) Chairperson Kellas returned.

C. CONTINUED DISCUSSION REGARDING A PROPOSAL FROM COOPERATIVE STRATEGIES FOR REDISTRICTING SERVICES NOT TO EXCEED THE AMOUNT OF \$21,500.00.

(2:02:20) Charlie Grace introduced the item.

(2:03:50) There was discussion between Director's Donahue, Director de la Rosa, Vice-Chairperson Giacoletti, and Jeff Minnery about the agenda item and the purpose of having the item on the agenda after a previous no-vote had occurred.

Public Comment –

(2:08:50) Henry Krzciuk commented.

(2:10:10) Mike Hanchett commented.

(2:12:30) Julie Tacker commented.

(2:16:00) There was discussion about the timeline for implementation and the legal requirement for 4 public meetings to occur. There was conversation between the Board members about the proposal, agenda item language, and the process for putting the proposal item onto the January agenda.

(2:27:00) Michael Cruz commented.

(2:31:05) Direction was provided to allow Director Donahue to gather additional information about this matter so that it could be added to a future meeting agenda. A consensus was reached.

D. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE 2022 CALENDAR YEAR.

(2:31:49) A motion was made for Mary Giacoletti to continue as the Vice-Chairperson.
(Kellas: 2nd: de la Rosa)

Public Comment –

(2:32:20) Julie Tacker commented.

(2:34:58) Henry Krzciuk commented.

(2:38:30) Mike Hanchett commented.

(2:39:33) A motion was made to defer this item until there were five Board members present. (Donahue; no 2nd)

(2:40:26) Michael Cruz commented.

(2:41:05) A motion was made for Mary Giacoletti to continue as the Vice-Chairperson.

Motion: Chairperson Kellas

2nd: Director de la Rosa

Vote: 4/0

Absent: 0

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

(2:43:28) A motion was made for Gwen Kellas to continue as the Chairperson.

Motion: Vice-Chairperson Giacoletti

2nd: Director de la Rosa

Vote: 3/0

Abstain: 1

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

8. CLOSED SESSION:

(2:44:35) Charlie Grace recused himself and left the meeting.

Public Comment –

(2:45:28) Julie Tacker commented.

(2:48:50) Henry Krzciuk commented.

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section §54956.9

One (1) Potential Case – Demand to Cure and Correct from Julie Tacker

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

Report on Closed Session

(Kellas, Giacoletti, de la Rosa)

(2:53:10) There was no reportable action.

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

10. ADJOURNMENT @ 8:17 PM