

Board of Directors San Simeon Community Services District



REGULAR BOARD MEETING PACKET August 3, 2023 Meeting Start Time 6:00pm

This meeting shall occur in person and Via Zoom.

Prepared by:



GRACE
ENVIRONMENTAL SERVICES

SAN SIMEON COMMUNITY SERVICES DISTRICT

**BOARD OF DIRECTORS
REGULAR BOARD MEETING AGENDA**

Thursday, August 3, 2023

6:00 pm

**1000 MAIN STREET
CAMBRIA, CA 93428**

This meeting shall occur In Person and Via Zoom.

Join Zoom for Regular Board Session:

<https://zoom.us/j/91655177597>

Meeting ID: 916 5517 7597

Or One tap mobile:

US: +16699006833,,91655177597#

Or Telephone:

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

US: +1 669 900 6833

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.

Agendas: Agenda packets and other written documentation are available for public inspection 72 hours prior to the regularly scheduled meeting at the San Simeon CSD office, located at 111 Pico Avenue, San Simeon, during normal business hours. Any agenda-related writings or documents provided to a majority of the Board of Directors after distribution of the agenda packet are available for public inspection at the same time. Agendas are also posted at: www.sansimeoncsd.org.

Public Comment: The Board of Directors welcomes and encourages participation in Board meetings. Public comment will be allowed for each individual agenda item. Members of the public wishing to speak may do so when recognized by the Chairperson. **Public Comment is limited to three (3) minutes** or less per person for each agenda item, with additional time at the discretion of the Chair. Public comments should be directed to the Board as a whole and not directed to individual Board members or District staff.

Notice regarding Americans with Disabilities Act:



In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting or if you need the agenda or the documents in the agenda packet provided in an alternative format, please contact District staff at (805) 927-4778 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made (28CFR 35.102-35.104 ADA TITLE II).

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Any member of the public may address the Board relating to any matter pertaining to District business and within the Board's authority to take action, provided the matter is not on the Board's agenda. **Comments are limited to three (3) minutes** or less with additional time at the discretion of the Chairperson. The public wishing to address the Board on items that do not appear on the agenda may do so; however, the Board will take no action other than referring the item to staff for study and analysis and may place the item on a future agenda.

5. CONSENT CALENDAR ITEMS:

All items are approved by a single action. Any item may be removed from the Consent Calendar for separate discussion upon request from a member of the public, District staff or a Director. Public comment on the Consent Calendar will take place prior to the Board's vote on the Consent Calendar items. Unless an item is pulled for separate consideration by the Board, the following items are recommended for approval without further discussion.

A. Review and Approval of Disbursement Journal.

6. BUSINESS ACTION ITEMS:

Public comments at the conclusion of each business action item are limited to three (3) minutes per person per item.

A. Receive SSCSD staff and RGS update regarding status of SSCSD Fiscal Year 2023-2024 budget.

B. Discuss and adopt a Resolution approving a First Amendment to the Agreement for Transitional Consulting Services for Acting General Manager Duties and appointing Patrick Faverty as Interim General Manager.

C. Discuss and direct SSCSD staff and Ashley & Vance Engineering concerning a scope of work for replacement of the pipe bridge.

7. DISTRICT STAFF & COMMITTEE REPORTS:

Public comments at the conclusion of District staff and committee reports are limited to three (3) minutes per person per item.

A. STAFF REPORTS:

- i. **District Superintendent's Report** – Summary of July Activities.
- ii. **Acting General Manager's Report** – Summary of July Activities.
- iii. **District Financial Summary** – Summary of July Financials.
- iv. **District Counsel's Report** – Summary of July Activities.

B. AD-HOC & STANDING COMMITTEE REPORTS: Acting General Manager

- i. **Budget/Finance Committee** – status update
- ii. **Water/Facilities Committee** – status update
- iii. **Grant Acquisition Committee** – status update
- iv. **Policies and Procedures Committee** – status update

8. NON-DISTRICT REPORTS:

Public comments at the conclusion of non-district reports are limited to three (3) minutes per person per item.

- A. Sheriff's Report** – verbal/written report
- B. CHP Report** – verbal/written report

9. CLOSED SESSION:

Public comments on the closed session agenda are limited to three (3) minutes per person per item. The Board will adjourn to Closed Session to address the following item(s):

A. PUBLIC EMPLOYMENT APPOINTMENT (Gov. Code, § 54957)

Title: Operations Manager

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code § 54956.9: Two (2) Potential Cases

10. RECONVENE AND REPORT OUT OF CLOSED SESSION

11. BOARD COMMENTS:

This section is intended as an opportunity for Board members to make brief announcements, request information from staff, request future agenda item(s) and/or report on their own activities related to District business. No action is to be taken until an item is placed on a future agenda.

12. ADJOURNMENT TO THE NEXT REGULAR MEETING OF September 7, 2023

5.A. CONSENT CALENDAR ITEM

A. REVIEW AND APPROVAL OF DISBURSEMENT'S JOURNAL

6.A. BUSINESS ACTION ITEMS

**A. RECEIVE SSCSD STAFF AND RGS UPDATE REGARDING STATUS OF
SSCSD FISCAL YEAR 2023-2024 BUDGET.**

(Presented Verbally)



BUSINESS ACTION ITEM STAFF REPORT

ITEM 6.A . PRESENTATION WILL BE GIVEN VERBALLY BY ACTING GENERAL MANAGER.

6.B. BUSINESS ACTION ITEMS

B. DISCUSS AND ADOPT A RESOLUTION APPROVING A FIRST AMENDMENT TO THE AGREEMENT FOR TRANSITIONAL CONSULTING SERVICES FOR ACTING GENERAL MANAGER DUTIES AND APPOINTING PATRICK FAVERTY AS INTERIM GENERAL MANAGER



BUSINESS ACTION ITEM STAFF REPORT

ITEM 6.B. DISCUSSION, REVIEW AND APPROVAL OF AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT FOR TRANSITIONAL CONSULTING SERVICES FOR ACTING GENERAL MANAGER DUTIES, AND APPOINTMENT OF PATRICK FAVERTY, Ed.D. AS INTERIM GENERAL MANAGER.

Summary:

The San Simeon Community Services District (the “District”) currently contracts with Patrick Faverty, Ed.D. to provide consulting services to the District while the search for a long-term General Manager is underway. Dr. Faverty’s contract expired on July 31, 2023 and needs to be reinstated and extended for ninety (90) days to allow the District to complete the General Manager hiring process. Dr. Faverty also needs to assume the role of Interim General Manager and be sworn in during this transition period to allow him to adequately perform the Interim General Manager duties.

Background:

On June 13, 2023, the SSCSD Board of Directors (the “Board”) took action to relieve its former General Manager, Charles Grace of all General Manager duties under the agreement with Grace Environmental Services (“GES”) while GES staff would continue providing other operational services. The Board further determined that the GES agreement may remain in place until the conclusion of SSCSD’s search for a permanent General Manager and for water operations throughout the RFP/RFQ process that is currently taking place. The Board also reported possibly securing an acting General Manager.

On June 23, 2023, the Board directed staff to enter into an Agreement for Transitional Consulting Services for Acting General Manager Duties (the “Transitional Consulting Services Agreement” or “TCSA”) with Patrick Faverty, Ed.D., to perform those services.

The TCSA describes the precise scope of duties to be performed during the transition period and provides a term of two (2) months. The TCSA took effect on June 26, 2023, and is set to expire on July 31, 2023. While the RFP/RFQ process to hire a new General Manager continues, it is necessary to appoint an Interim General Manager to perform the duties detailed in Section 2 of the TCSA.

District Counsel has prepared a First Amendment to the Transition Consulting Services Agreement for Acting Manager Duties (the “First Amendment”), for the Board’s review. A copy of this proposed Agreement is attached to the Resolution as **Exhibit A**. The First Amendment does the following:

- Extends the term of the current consultant and provides that the new extended period will be from August 1, 2023 through November 3, 2023.
- Appoints the currently acting consultant, Patrick Faverty, Ed.D. as Interim General Manager and provides that Dr. Faverty take the Oath of Office as soon as reasonably possible following the Effective Date of the First Amendment.
- Provides that the Board shall make every effort to conduct interviews with potential General Manager candidates and thereafter commence negotiations with the candidate(s) with the goal of reaching an agreement to hire a new General Manager no later than the November 2, 2023 regular meeting, and subject to an extension of the TCSA agreement if for some reason the hiring process cannot be completed within this time frame.

Recommendation:

It is recommended that the Board consider the Resolution and the proposed First Amendment for Transitional Consulting Services and either (1) adopt the Resolution; or (2) provide direction on further steps.

Board Actions:

1. The Board may adopt the Resolution and the proposed First Amendment.
2. The Board may continue consideration of the Resolution and the proposed First Amendment and request additional information be brought before the Board at a future meeting.
3. The Board may reject the Resolution and proposed First Amendment and take no further action.

Attachments:

1. Resolution.
2. Proposed First Amendment to Agreement for Transitional Consulting Services for Acting General Manager Duties.

FIRST AMENDMENT TO AGREEMENT FOR TRANSITIONAL CONSULTING SERVICES FOR ACTING GENERAL MANAGER DUTIES

This First Amendment (“First Amendment”) to the Agreement for Transitional Consulting Services for Acting General Manager Duties (the “Transitional Consulting Services Agreement” or “TCSA”) is made and entered on this 1st day of August, 2023 (referred to herein as the “Effective Date”) by and between the San Simeon Community Services District, a political subdivision of the State of California (the “District”) and Patrick Faverty, Ed.D., (“Consultant”) (each individually a “Party,” and collectively the “Parties.”). This First Amendment shall modify the TCSA as follows:

RECITALS

- A.** This First Amendment sets in place certain terms and conditions that expand the TCSA approved by the District and Consultant on June 23, 2023 for the purpose of ensuring the most efficient transition possible for a new General Manager.
- B.** The District hereby acknowledges that while the RFQ process to hire a new General Manager continues, it is necessary to appoint an Interim General Manager to perform the duties detailed in Section 2 of the TCSA.

In light of the foregoing, Consultant and City hereby agree to enter into the First Amendment to amend the TCSA as follows:

AGREEMENT

- 1.** The Parties hereby agree that the term of the TCSA, as stated in Section 1, TERM, shall be extended to November 2, 2023.
- 2.** Consultant shall be appointed as Interim General Manager of the District as of the Effective Date, and shall take the Oath of Office as soon as reasonably possible following the Effective Date.
- 3.** The Board shall conduct interviews with potential General Manager candidates and thereafter commence negotiations with the candidate(s) with the goal of reaching an agreement to hire a new General Manager by the November 2, 2023 regular meeting.
- 4.** This First Amendment, together with all of the terms and conditions contained in the above-referenced TCSA as previously executed by the Parties and currently in effect, shall constitute the entire understanding and agreement between the Parties and supersede all previous writings and understandings between the Parties with respect to any modifications to the TCSA. Any part of the TCSA not amended hereby shall remain in full force and effect. To the extent of an inconsistency between this First Amendment and the TCSA, the terms of this First Amendment shall control.

5. This First Amendment may be executed in any number of counterparts and all such counterparts executed and delivered each as an original shall constitute one and the same instrument.

IN WITNESS WHEREOF, this Agreement has been entered into by and between District and Consultant as of the Effective Date.

Approved as to Form:

By: _____
Nubia I. Goldstein, General Counsel

DISTRICT:

San Simeon Community Services District, a political subdivision of the State of California

By: _____
Karina Tiwana, City Manager

Date Signed: _____

Resolution No.: _____

Initiating Department: _____

CONSULTANT:

a _____

By: _____

Title: _____

Date Signed: _____

RESOLUTION NO. 23- 476

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON
COMMUNITY SERVICES DISTRICT APPROVING A FIRST AMENDMENT TO THE
AGREEMENT FOR TRANSITIONAL CONSULTING SERVICES FOR ACTING
GENERAL MANAGER DUTIES, AND APPOINTING PATRICK FAVERTY, Ed.D. AS
INTERIM GENERAL MANAGER**

WHEREAS, on June 23, 2023, the San Simeon Community Services District (“District”) Board of Directors (“Board”) approved an Agreement for Transitional Consulting Services for Acting General Manager Duties (the “Transitional Consulting Services Agreement” or “TCSA”) with Patrick Faverty, Ed.D. (“Consultant”), to perform transitional consulting services for acting general manager duties, and not as a sworn General Manger or Interim General Manager; and

WHEREAS, the TCSA provides a term of two (2) months; and

WHEREAS, the Board finds that the term of the TCSA must be extended while the RFQ process to hire a new General Manager continues; and

WHEREAS, the Board further finds that it is necessary to appoint an Interim General Manager who can be sworn in and can perform the General Manager duties as set forth in the TCSA; and

WHEREAS, the Board wishes to continue using Consultant’s services as set forth in the TCSA for an additional ninety (90) days, until no later than November 2, 2023, in the capacity of Interim General Manager.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the San Simeon Community Services District that the District adopt and execute that proposed First Amendment for Transitional Consulting Services, attached hereto as **Exhibit A**.

The Board further resolves and hereby appoints Consultant as Interim General Manager.

ADOPTED by the Board of Directors of the San Simeon Community Services District on August 3, 2023, by the following roll call votes:

AYES:
NOES:
ABSENT:
ABSTAINED:

Chairperson, Board of Directors of the
San Simeon Community Services District

ATTEST:

Patrick Faverty, Ed.D.,
Consultant/Acting General Manager,
San Simeon Community Services District

6.C. BUSINESS ACTION ITEMS

**C. DISCUSS AND DIRECT SSCSD STAFF AND ASHLEY & VANCE
ENGINEERING CONCERNING A SCOPE OF WORK FOR REPLACEMENT
OF THE PIPE BRIDGE.**



BUSINESS ACTION ITEM STAFF REPORT

ITEM 6.C . PRESENTATION WILL BE GIVEN VERBALLY BY INTERIM GENERAL MANAGER.

7.I. DISTRICT SUPERINTENDENT'S REPORT
I. SUMMARY OF JULY'S ACTIVITIES



SUPERINTENDENT'S REPORT – JULY 2023

Item 3.A.iii

Prepared By: Steve Orellana

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.
- The Filter Operations were ended on June 28th, 2023.
- The District received a Citation from the DDW regarding the low Sodium Hypochlorite levels on June 25th, 2023. The town was notified per DDW regulations. The issue was corrected immediately and returned to adequate levels.
- The RO unit had 2 sensors malfunction while in standby.

3. District and Equipment Maintenance

- Staff continues with the scheduled preventive maintenance for the equipment at the facilities.
- Staff responded to 3 service requests.
- Staff began flushing hydrants and exercising valves. This will be ongoing in August.
- Staff coordinated with the Caltrans Contractor for the use of a Hydrant Meter on the Highway 1 roadwork.

San Simeon Community Services District

Superintendent's Report

July 2023

MONTHLY DATA REPORT

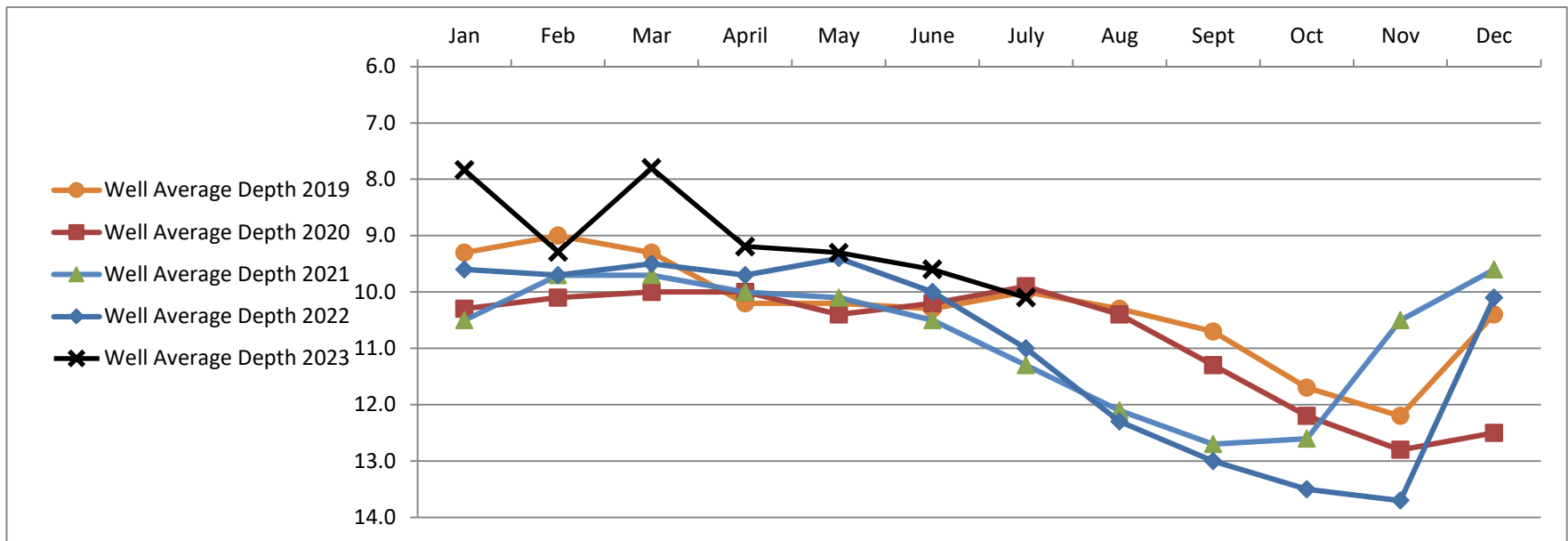
Date	Day	Wastewater Influent Daily Flow	Wastewater Effluent Daily Flow	Well 1 Total Daily Produced	Well 2 Total Daily Produced	Total Daily Water Produced	R.O. Daily Influent Flow	R.O. Daily Effluent Flow	R.O. Daily Brine Flow	Distribution Chloride	Chloride Wells 1 2	Recycled Water Distributed	Water Level Well 1	Water Level Well 2	Rainfall in Inches	State Flows
07/01/23	Saturday	72,533	70,740	0	77,867	77,867	0	0	0	-	-	0	10.0	9.7	0.00	
07/02/23	Sunday	107,006	100,300	0	141,596	141,596	0	0	0	-	-	0	10.0	9.8	0.00	
07/03/23	Monday	70,486	70,330	0	48,022	48,022	0	0	0	-	-	0	10.0	9.8	0.00	
07/04/23	Tuesday	87,011	84,210	0	124,392	124,392	0	0	0	-	-	0	10.0	9.8	0.00	
07/05/23	Wednesday	81,408	78,020	1,496	49,218	50,714	0	0	0	-	-	0	10.0	9.7	0.00	
07/06/23	Thursday	66,608	63,320	0	127,908	127,908	0	0	0	-	-	0	10.0	9.7	0.00	
07/07/23	Friday	78,291	73,970	0	73,304	73,304	0	0	0	-	-	0	10.0	9.7	0.00	
07/08/23	Saturday	88,249	79,930	0	81,607	81,607	0	0	0	-	-	0	10.0	9.8	0.00	
07/09/23	Sunday	72,999	70,440	0	83,327	83,327	0	0	0	-	-	0	10.0	9.8	0.00	
07/10/23	Monday	63,959	61,000	0	63,580	63,580	0	0	0	-	-	0	10.1	10.0	0.00	
07/11/23	Tuesday	59,096	61,940	1,346	68,218	69,564	0	0	0	-	-	0	10.1	10.0	0.00	
07/12/23	Wednesday	62,297	59,470	0	82,355	82,355	0	0	0	-	-	0	10.1	10.0	0.00	
07/13/23	Thursday	57,056	53,172	0	67,470	67,470	0	0	0	-	-	0	10.1	10.0	0.00	
07/14/23	Friday	85,584	79,758	0	110,854	110,854	0	0	0	-	-	0	10.1	10.1	0.00	
07/15/23	Saturday	86,329	83,280	0	130,900	130,900	0	0	0	-	-	0	10.2	10.1	0.00	
07/16/23	Sunday	82,679	75,410	0	32,762	32,762	0	0	0	-	-	0	10.3	10.2	0.00	
07/17/23	Monday	75,595	71,130	0	120,578	120,578	0	0	0	-	-	0	10.4	10.3	0.00	
07/18/23	Tuesday	85,319	83,550	1,870	60,064	61,934	0	0	0	-	-	0	10.4	10.3	0.00	
07/19/23	Wednesday	68,442	59,410	0	114,594	114,594	0	0	0	-	-	0	10.4	10.3	0.00	
07/20/23	Thursday	78,830	79,960	0	46,974	46,974	0	0	0	-	-	0	10.5	10.3	0.00	
07/21/23	Friday	66,242	59,730	0	118,558	118,558	0	0	0	-	-	0	10.5	10.3	0.00	
07/22/23	Saturday	87,406	82,170	0	63,281	63,281	0	0	0	-	-	0	10.4	10.4	0.00	
07/23/23	Sunday	87,327	79,320	0	90,732	90,732	0	0	0	-	-	0	10.4	10.4	0.00	
07/24/23	Monday	78,671	73,950	0	97,315	97,315	0	0	0	-	-	0	10.4	10.3	0.00	
07/25/23	Tuesday	78,788	70,440	0	136,585	136,585	0	0	0	-	-	0	10.3	10.2	0.00	
07/26/23	Wednesday	74,145	66,510	1,421	52,285	53,706	0	0	0	-	-	0	10.3	10.1	0.00	
07/27/23	Thursday	84,361	78,120	0	115,117	115,117	0	0	0	-	<30	<30	10.3	10.1	0.00	
07/28/23	Friday	69,021	65,910	0	42,187	42,187	0	0	0	-	-	0	10.3	10.2	0.00	
07/29/23	Saturday	93,041	86,610	0	92,228	92,228	0	0	0	-	-	0	-	-	0.00	
07/30/23	Sunday	89,360	82,670	0	162,391	162,391	0	0	0	-	-	0	-	-	0.00	
07/31/23	Monday	82,659	75,520	0	29,396	29,396	0	0	0	<30	-	0	10.2	10.0	0.00	
TOTALS		2,420,798	2,280,290	6,134	2,705,666	2,711,799	0	0	0			0			0.00	0
Average		78,090	73,558	198	87,280	87,477	0	0	0	0	0	0	10.2	10.0	0.00	#DIV/0!
Minimum		57,056	53,172	0	29,396	29,396	0	0	0	0	0	0	10.0	9.7	0.00	0
Maximum		107,006	100,300	1,870	162,391	162,391	0	0	0	0	0	0	10.5	10.4	0.00	0

San Simeon Community Services District

Superintendent's Report

July 2023

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Well Average Depth 2019	9.3	9.0	9.3	10.2	10.2	10.3	10.0	10.3	10.7	11.7	12.2	10.4
Well Average Depth 2020	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.4	11.3	12.2	12.8	12.5
Well Average Depth 2021	10.5	9.7	9.7	10.0	10.1	10.5	11.3	12.1	12.7	12.6	10.5	9.6
Well Average Depth 2022	9.6	9.7	9.5	9.7	9.4	10.0	11.0	12.3	13.0	13.5	13.7	10.1
Well Average Depth 2023	7.8	9.3	7.8	9.2	9.3	9.6	10.1					



7.II. ACTING GENERAL MANAGER'S REPORT
II. SUMMARY OF JULY'S ACTIVITIES

(Presented Verbally)

8.A. NON-DISTRICT REPORTS

A. SHERIF'S REPORT

SAN SIMEON COMMUNITY SERVICES DISTRICT

Tuesday, August 1, 2023

Time Period: (Month)	July 1-July 31 2023	Avila	Cayucos	Cambria	Los Osos	San Simeon
Calls For Service:	56					17
CFS: Last Year	89					18
Assault/Battery:						
CFS	3					
Disturbance:						
CFS	3					
Burglary:						
CFS	0					
Theft:						
CFS	0					
Vandalism						
CFS	0					
Mail Theft:						
CFS	0					
Phone Scam:						
CFS	0					
Suspicious Circs:						
CFS	3					
Enforcement Stops:						
CFS	3					
Preventative Patrol Activity:						
CFS	0					

Notable:

8.B. NON-DISTRICT REPORTS
B. CHP REPORT

9.A. CLOSED SESSION
A. PUBLIC EMPLOYMENT APPOINTMENT
TITTLE: OPERATIONS MANAGER