

SPECIAL MEETING MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR BOARD MEETING
Tuesday, January 17, 2023
5:30 pm

Pursuant to San Simeon CSD Resolution 22-462 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

1. OPEN SESSION: @ 5:33 PM

A. Roll Call:

Chairperson Diamond – Present
Vice-Chairperson Tiwana – Present
Director de la Rosa – Present
Director Donahue – Present
Director Kellas – Present

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment –

(3:01) Julie Tacker commented on her request for a boundary survey regarding Pico Stairs public access.

(6:50) April Dury commented on the layout of District financials in the Board packet.

3. SPECIAL PRESENTATIONS AND REPORTS:

A. STAFF REPORTS:

i. **Sheriff's Report** – None.

ii. **CHP Report** – None.

iii. **Superintendent's Report** – (10:38) Steve Orellana provided a summary of December activities.

iv. **General Manager's Report** – (12:00) Charlie Grace provided a summary of December activities. Ian Shoebridge from Ashley Vance was present to review the 30% design submittal related to the pipe bridge. Director Donahue inquired about the bridge becoming a foot/pedestrian bridge. Director Kellas recused herself from the discussion. Vice-Chairperson Tiwana commented on potential damage to the concrete abutments as a result of the storm.

Public Comment –

(21:29) Henry Krzciuk commented.

(23:55) Julie Tacker commented.

There was further discussion between the Board members about the option of building a pedestrian bridge.

- v. **District Financial Summary** – (31:00) Charlie Grace provided a summary of December financials. Vice-Chair Tiwana commented on the negative balance in the reserves.

Public Comment –

(36:57) Henry Krzciuk commented.

(39:09) April Dury commented.

- vi. **District Counsel’s Report** – (44:44) Nubia Goldstein provided a summary of December activities.

- vii. **Board Member Report** – (46:00) Director Kellas provided a summary of December activities.

B. AD-HOC & STANDING COMMITTEE REPORTS: (46:45)

- i. Status Update Budget Committee – None.

- ii. Status Update Water Committee – None.

- iii. Status Update Camping Ordinance on District Streets – (50:11) Director Donahue commented that the District was on track to have approval of this item in February.

- iv. Status Update Coastal Hazard Response Plan – None.

(49:50) Director Donahue commented that he was having technical difficulties with Zoom, which was causing him to have to connect and reconnect to Zoom.

Public Comment –

(51:15) Tina Dickason commented.

(56:25) Julie Tacker commented.

(59:55) April Dury commented.

4. CONSENT AGENDA ITEMS: (1:04:00)

(1:05:10) Director Kellas commented that on the December 16, 2022 meeting minutes there was a typo on page 5.

Public Comment –

(1:09:30) April Dury commented.

(1:11:56) Julie Tacker commented.

A. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON DECEMBER 8, 2022.

B. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON DECEMBER 16, 2022.

C. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON DECEMBER 20, 2022.

D. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.

E. ADOPTION OF RESOLUTION 23-463 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.

(1:15:40) A motion was made to approve items A, C, and E.

Motion: Chairperson Diamond
2nd: Director Donahue
Vote: 5/0
Absent: None

Roll Call:
Diamond: Yes Tiwana: Yes Donahue: Yes

(1:16:40) Chairperson Kellas commented about the motion, asking for clarification. She stated her wifi had dropped. There was further discussion between Nubia Goldstein and Director Kellas regarding the procedure of the consent agenda.

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

(1:18:40) The Board discussed the item 4D.

(1:19:06) A motion was made to approve item 4D.

Motion: Chairperson Diamond
2nd: Director Kellas

Public Comment –
(1:19:25) Henry Krzciuk commented.
(1:21:40) Julie Tacker commented.

(1:24:00) Vice-Chairperson Tiwana commented about the member of the public making a comment that something illegal had occurred.

Vote: 5/0
Absent: None

Roll Call:
Diamond: Yes Tiwana: Yes Donahue: Yes Kellas: Yes de la Rosa: Yes

Public Comment –
(1:28:49) April Dury commented.

(1:30:50) Director Kellas commented that this was not a regular occurrence, further stating that the bill had to be paid, and that this was not a valid reason to hold up the disbursements journal.

A motion was made to approve item 4D.

Motion: Chairperson Diamond

2nd: Director Kellas

Vote: 4/1

Abstain: Donahue

Roll Call:

Diamond: Yes Tiwana: Yes Donahue: Abstain Kellas: Yes de la Rosa: Yes

(1:33:08) Director Kellas identified the typo error on page 5 of the December 16, 2022 meeting minutes. Nubia Goldstein identified that the error was “tthatwould”.

(1:34:28) A motion was made to approve item 4B with the corrections recommended by Director Kellas.

2nd: None

(1:35:20) Director Donahue stated that because Jeff Minnery was not present and based on the \$141,000.00 he would vote No on this item. There was further discussion about this matter among the Board members.

(1:36:43) A motion was made to approve item 4B with the corrections recommended by Director Kellas.

Motion: Chairperson Diamond

2nd: Director Kellas

Vote: 5/0

Roll Call:

Diamond: Yes Tiwana: Yes Donahue: Yes Kellas: Yes de la Rosa: Yes

5. BUSINESS ACTION ITEMS: (1:37:30)

A. REVIEW AND APPROVAL OF THE DRAFT AUDIT FOR FISCAL YEAR 2021/2022. (1:38:29)

Charlie Grace introduced the item. Adam Guise was present and he presented the draft audit to the Board.

Public Comment –

(1:48:20) April Dury commented.

(1:50:20) Julie Tacker commented.

(1:53:30) A motion was made that the audit report as written be approved.

Motion: Chairperson Diamond

2nd: Director Kellas

Vote: 5/0

Roll Call:

Diamond: Yes Tiwana: Yes Donahue: Yes Kellas: Yes de la Rosa: Yes

B. DISCUSSION, REVIEW AND APPROVAL OF THE STILLWATER PICO CREEK INSTREAM FLOW MANAGEMENT PLAN, INCLUDING DISCUSSION AND DIRECTION TO STAFF CONCERNING THE NEXT STEPS. (1:54:05)

Charlie Grace introduced the item. Ken Jarrett and Ethan Bell from Stillwater presented the Pico Creek Instream Flow report.

(2:03:48) There was discussion among the Board members about the report.

(2:18:33) Director Donahue made a motion to accept the November report as it is, without revising the recommendations or anything. Just accept the November report and move on, and not mess with this at another Board meeting.

2nd: None

(2:19:00) There was further discussion about the report between GES staff and Stillwater.

Public Comment –

(2:25:11) Tina Dickason commented.

(2:28:12) Henry Krzciuk commented.

(2:33:05) Ethan Bell responded to public comment.

(2:37:35) Bob Hather commented.

(2:43:15) Ethan Bell responded to public comment.

(2:47:26) Julie Tacker commented.

(2:48:25) April Dury commented.

(2:50:52) A motion was made to approve the November study with the condition that we also have future monitoring and maintenance including costs of the instream management plan.

Motion: Chairperson Diamond

2nd: Director Kellas

Vote: 4/1

Roll Call:

Diamond: Yes

(2:51:42) Vice-Chairperson Tiwana commented on the motion explaining why she could not support the motion.

Roll Call Continued:

Diamond: Yes Tiwana: No Donahue: Yes Kellas: Yes de la Rosa: Yes

(2:54:41) Chairperson Diamond directed legal counsel to return with a resolution related to monitoring of the inflow stream management plan. A consensus was reached by Kellas, de la Rosa, Diamond, and Donahue. Staff was further directed to submit this report to the County and the Coastal Commission.

C. INTERMEDIATE UPDATE AND DISCUSSION OF THE COASTAL HAZARD RESPONSE PLAN BETWEEN PUBLIC OUTREACH EVENTS AND TO PROVIDE ADDITIONAL DIRECTION FOR THE STUDY. (2:59:53)

Caroline Groves from Dudek introduced the item.

(3:02:46) Director de la Rosa commented that the translation of the flyer was incorrect. There was further discussion about hiring of a translator to attend public outreach meetings.

Public Comment -

(3:06:03) Tina Dickason commented.

(3:08:40) April Dury commented.

(3:09:40) Julie Tacker commented.

(3:14:20) Henry Krzciuk commented.

(3:19:43) Julie Tacker commented.

(3:20:28) Nyri Katcho commented.

(3:22:28) Director Donahue stated that the District should not build a treatment plant on residential property. He further stated that he wanted to know why John Dudek would not return his phone calls.

(3:24:04) Director Kellas commented on the Hispanic community and public outreach. She further stated that direction to move the plant was a direction from the Coastal Commission.

(3:26:07) A motion was made to adopt a resolution to direct Dudek not to consider any further residential areas in San Simeon Acres what-so-ever.

2nd: Donahue

(3:26:38) Nubia Goldstein commented that the agenda language for this item prevented the Board from taking this action. She recommended that the motion be amended to direct staff to produce this item either at a special meeting or at the next Board meeting.

(3:27:37) Vice-Chairperson Tiwana amended her motion in accordance with the direction of counsel to reflect the appropriate manner and means to bring the resolution before the Board on the next agenda or as soon as possible considering whether it be a special meeting or the next general meeting, whether it be any other legal means to do so.

(3:28:30) There was further discussion between the Board and legal counsel related to this motion.

(3:29:25) Director Donahue provided a 2nd to the motion.

Motion: Vice-Chairperson Tiwana
2nd: Director Donahue
Vote: 3/1/1

Roll Call:

Diamond: Yes Tiwana: Yes Donahue: Yes Kellas: Abstain de la Rosa: No

(3:31:10) Chairperson Diamond and Nubia Goldstein discussed the procedure for delaying some of the items on the agenda to a later Board meeting. There was discussion among the Board members about which items to delay.

Public Comment –

(3:36:36) Michael Hanchett commented.

(3:37:50) Director Kellas commented that Item H should be discussed with delaying it.

Public Comment –

(3:40:25) Julie Tacker commented.

(3:41:41) A motion was made to complete Item 5.I. and then move to closed session with Item 7.A.

Motion: Chairperson Diamond
2nd: Vice-Chairperson Tiwana
Vote: 4/1

Roll Call:

Diamond: Yes Tiwana: Yes Donahue: Yes Kellas: No de la Rosa: Yes

The following items were tabled to another Board meeting:

Items 5.D. – 5.H., Item 6.A. and Item 7.B.

I. DISCUSSION, REVIEW, AND RATIFICATION OF SSCSD/WHITE & BRENNER GENERAL SERVICES AGREEMENT. (3:42:33)

Nubia Goldstein explained that she had a conflict of interest and recused herself.

(3:44:27) Director Donahue asked to modify the contract to no more than two years.

(3:44:50) Jeff Minnery (former legal counsel) joined the meeting to serve as legal counsel.

(3:45:00) There was further discussion among the Board members about the length of the contract and other terms listed in the contract for legal services.

Public Comment –

(4:00:50) Henry Krzciuk commented.

(4:03:00) Michael Cruz commented.

(4:04:10) Julie Tacker commented.

(4:05:40) A motion was made to approve the ratification of the White Brenner contract.

Motion: Chairperson Diamond

2nd: Director Donahue

Vote: 5/0

Roll Call:

Diamond: Yes Tiwana: Yes Donahue: Yes Kellas: Yes de la Rosa: Yes

There was additional conversation between Director Donahue and Director Kellas regarding Charlie Grace signing the contract for legal services. There was further discussion about this matter among the Board.

6. CLOSED SESSION: (4:13:41)

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 – Ron Hurlbert

Chairperson Diamond introduced the item.

Public Comment –

(4:16:30) Henry Krzciuk commented.

(4:20:35) Julie Tacker commented.

(4:23:50) Michael Cruz commented.

******RECONVENE TO OPEN SESSION****
(57 min)**

Report on Closed Session: No reportable action.

7. ADJOURNMENT – @ 11:02 pm