

# Board of Directors San Simeon Community Services District



## REGULAR BOARD MEETING PACKET

**Thursday, September 9, 2021**  
**Meeting Start Time 5:00 pm**

**Virtual Board Meeting via Zoom Webinar**

**Webinar Code: 873 0781 0050 – Part 1**

**Webinar Code: 85168337892 – Part 2**

**Password: 915645**

Prepared by:



**GRACE**  
ENVIRONMENTAL SERVICES

**AGENDA**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Thursday, September 9, 2021**  
**5:00 pm**

Pursuant to Governor Gavin Newsom's Executive Order N-29-20 dated March 17, 2020 and the San Luis Obispo County Local Emergency Order and Regulation regarding COVID-19 dated March 18, 2020, this meeting shall occur as a virtual teleconference using the Zoom app. Members of the public cannot physically attend this meeting.

**Internet Meeting Location – Via ZOOM**

Join Zoom **Webinar** for Regular Board Session: Part One-  
<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

**Webinar ID: 873 0781 0050**

Join Zoom **Meetings** for Regular Board Session: Part Two-  
<https://us02web.zoom.us/j/85168337892?pwd=QXNIT1phTXIXaC9EOE5hVytXWDhUUT09>

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US: +16699009128, 85168337892#, \*915645#

Or Telephone:  
Dial (for higher quality, dial a number based on your current location):  
US: +1 669 900 9128

**Meeting ID: 851 6833 7892**  
**Passcode: 915645**

**Time: September 9, 2021 5:00 PM Pacific Time**

**NOTE:** On the day of the meeting, the virtual meeting room will be open beginning at 4:30 PM. If you are unable to access the meeting please contact Cortney Murguia at (805) 927-4778 prior to the 5:00 PM meeting start time and staff can assist you in accessing the meeting. Should you have any questions related to the information on this agenda or 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: 5:00 PM - <https://us02web.zoom.us/j/87307810050>**

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 August.
- ii. **CHP Report** – Report for August.
- iii. **Superintendent's Report** – Summary of August activities.
- iv. **General Manager's Report** – Summary of August Activities.
- v. **District Financial Summary** – Summary of August Financials.
- vi. **District Counsel's Report** – Summary of August Activities.
- vii. **Board Member Report** – Summary of August Activities.

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

- i. **Status Update** – Disbursements Journal Review Committee.
- ii. **Status Update** – Policy & Procedures Committee.
- iii. **Status Update**– Update on District Ordinance 107 Parking on District Streets and draft Ordinance 122 Parking on District Streets.
- iv. **Status Update**– Budget Committee.
- v. **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 Agenda Item #3 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. **CONSENT AGENDA ITEMS:**

**Public Comment** – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Agenda Item #4 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 12, 2021.**

B. **Review and approval of Minutes for the Special Meeting on August 20, 2021.**

C. **Review and approval of Disbursements Journal.**

**5. 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. REVIEW AND APPROVAL OF DRAFT SOLID WASTE RULES AND REGULATIONS.**
- B. AUTHORIZATION TO RESCHEDULE REGULAR MONTHLY BOARD MEETINGS.**
- C. REVIEW AND RATIFICATION OF PROPOSAL FOR SURVEYING SERVICES WITH MBS LAND SURVEYS NOT TO EXCEED THE AMOUNT OF \$7,000.00.**
- D. DIRECTION TO STAFF REGARDING CUSTOMER’S REQUESTS FOR CREDIT ON UTILITY BILLS.**

**6. CLOSED SESSION: -**

This public comment period provides an opportunity for members of the public to address the Board on Closed Session Agenda Items. Public Comment is limited to three (3) minutes.

**The Board will adjourn to Closed Session to address the following items:**

- A. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
(Government Code Section 54956.9(d)(1))  
Name of case: Robert Hather v. San Simeon Community Services District**
- B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
(Government Code Section 54956.9(b)(1))  
Title: General Manager Services**

**MEMBERS OF THE PUBLIC: Please Join Us for the Remainder of the Meeting Here:**  
<https://us02web.zoom.us/j/85168337892?pwd=QXNIT1phTXIXaC9EOE5hVytXWDhUUT09>

Meeting ID: 851 6833 7892  
Passcode: 915645

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

**Report on Closed Session**

**7. 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).

**8. 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. ii. SUPERINTENDENT REPORT**  
**Jerry Copeland**  
**Facilities Update for August 2021**



## SUPERINTENDENT'S REPORT

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### Item 3.A.ii

Prepared by: Jerry Copeland

#### 1. Wastewater Treatment Plant

- All sampling, testing and reporting at the Wastewater Treatment Plant was performed as required by the RWQCB.
- The monthly report was submitted to the SWRCB.
- The bearings and motor to blower coupling were replaced on Blower #4.
- Smoke testing was performed on the sewer collection system. No problems were found. A report from California Rural Water Association who performed the test is pending.
- One load of sludge was hauled away.

#### 2. Water Treatment and Distribution System

- All routine 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).
- Routine maintenance was performed on the Reverse Osmosis Unit.
- Monthly water meter reading was performed.

#### 3. District and Equipment Maintenance

- Staff continues with all the scheduled preventive maintenance for all the equipment at the facilities.
- Annual Hazardous Material Inspection was performed by the County. All facilities are in compliance.

## San Simeon Community Services District

## Superintendent's Report

August 2021

## 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	
08/01/21	Sunday	61,324	72,260	84,449	0	84,449	0	0	0	-	-	0	12.0	11.6	0.00	3,722	
08/02/21	Monday	72,150	73,440	71,359	0	71,359	0	0	0	-	-	0	12.0	11.6	0.00	3,318	
08/03/21	Tuesday	66,804	68,030	74,875	0	74,875	0	0	0	-	-	0	12.0	11.6	0.00	2,656	
08/04/21	Wednesday	53,987	72,890	88,488	1,197	89,685	0	0	0	<30	<30	0	12.1	11.8	0.00	2,107	
08/05/21	Thursday	60,776	58,520	51,088	0	51,088	0	0	0	-	<30	0	12.1	11.8	0.00	1,853	
08/06/21	Friday	75,248	80,720	121,101	0	121,101	0	0	0	-	-	0	12.1	11.8	0.00	2,229	
08/07/21	Saturday	72,866	78,136	118,932	0	118,932	0	0	0	-	-	0	12.2	11.8	0.00	2,931	
08/08/21	Sunday	62,331	64,874	0	0	0	0	0	0	-	-	0	12.7	12.4	0.00	4,141	
08/09/21	Monday	61,161	68,210	70,611	0	70,611	0	0	0	-	-	0	12.3	12.1	0.00	3,500	
08/10/21	Tuesday	64,589	65,770	71,434	0	71,434	0	0	0	-	-	0	12.2	11.9	0.00	2,003	
08/11/21	Wednesday	51,073	61,610	113,546	0	113,546	0	0	0	<30	<30	0	12.2	11.9	0.00	2,471	
08/12/21	Thursday	63,973	70,950	19,897	0	19,897	0	0	0	-	-	0	12.3	11.9	0.00	1,850	
08/13/21	Friday	65,322	69,770	79,064	0	79,064	0	0	0	-	-	0	12.3	11.9	0.00	1,986	
08/14/21	Saturday	81,255	87,750	91,555	0	91,555	0	0	0	-	-	0	12.3	12.0	0.00	2,113	
08/15/21	Sunday	61,032	69,330	77,268	0	77,268	0	0	0	-	-	0	-	-	0.00	5,431	
08/16/21	Monday	68,527	67,740	62,383	0	62,383	0	0	0	-	-	0	12.4	12.2	0.00	4,828	
08/17/21	Tuesday	46,762	48,900	64,926	0	64,926	0	0	0	-	-	0	-	-	0.00	2,390	
08/18/21	Wednesday	45,118	52,280	64,104	0	64,104	0	0	0	<30	-	0	12.4	12.1	0.00	2,760	
08/19/21	Thursday	54,936	57,190	61,186	0	61,186	4,532	2,945	1,587	-	-	0	12.3	12.0	0.00	2,649	
08/20/21	Friday	54,686	54,730	60,962	0	60,962	0	0	0	-	32	0	12.3	12.0	0.00	3,397	
08/21/21	Saturday	57,237	60,180	94,098	0	94,098	0	0	0	-	-	0	12.2	12.0	0.00	2,536	
08/22/21	Sunday	63,564	68,280	74,576	0	74,576	0	0	0	-	-	0	12.3	12.1	0.00	4,499	
08/23/21	Monday	55,310	56,200	34,932	0	34,932	0	0	0	-	-	0	12.3	12.1	0.00	2,427	
08/24/21	Tuesday	42,450	46,350	73,304	0	73,304	0	0	0	-	-	0	12.2	11.9	0.00	2,395	
08/25/21	Wednesday	45,649	48,250	56,998	0	56,998	0	0	0	-	-	0	12.2	11.9	0.00	2,037	
08/26/21	Thursday	45,595	51,120	59,092	0	59,092	0	0	0	-	-	0	12.3	12.0	0.00	2,246	
08/27/21	Friday	52,110	58,050	76,146	0	76,146	0	0	0	-	-	0	12.3	12.2	0.00	2,777	
08/28/21	Saturday	84,913	88,970	115,641	0	115,641	0	0	0	-	-	0	12.3	12.2	0.00	3,014	
08/29/21	Sunday	163,464	69,430	66,048	0	66,048	0	0	0	-	-	0	12.3	12.2	0.00	3,980	
08/30/21	Monday	47,892	56,180	57,820	0	57,820	0	0	0	-	-	0	12.5	12.5	0.00	3,506	
08/31/21	Tuesday	41,576	51,040	14,062	0	14,062	0	0	0	-	-	0			0.00	1,654	
<b>TOTALS</b>		<b>1,943,680</b>	<b>1,997,150</b>	<b>2,169,948</b>	<b>1,197</b>	<b>2,171,145</b>	<b>4,532</b>	<b>2,945</b>	<b>1,587</b>			<b>0</b>			<b>0.00</b>	<b>89,406</b>	
Average		<b>62,699</b>	<b>64,424</b>	<b>69,998</b>	<b>39</b>	<b>70,037</b>	<b>146</b>	<b>95</b>	<b>51</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>0</b>	<b>12.3</b>	<b>12.0</b>	<b>0.00</b>	<b>2,884</b>
Minimum		<b>41,576</b>	<b>46,350</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>30</b>	<b>30</b>	<b>30</b>	<b>0</b>	<b>12.0</b>	<b>11.6</b>	<b>0.00</b>	<b>1,654</b>
Maximum		<b>163,464</b>	<b>88,970</b>	<b>121,101</b>	<b>1,197</b>	<b>121,101</b>	<b>4,532</b>	<b>2,945</b>	<b>1,587</b>	<b>30</b>	<b>32</b>	<b>30</b>	<b>0</b>	<b>12.7</b>	<b>12.5</b>	<b>0.00</b>	<b>5,431</b>



## San Simeon Community Services District

## Superintendent's Report

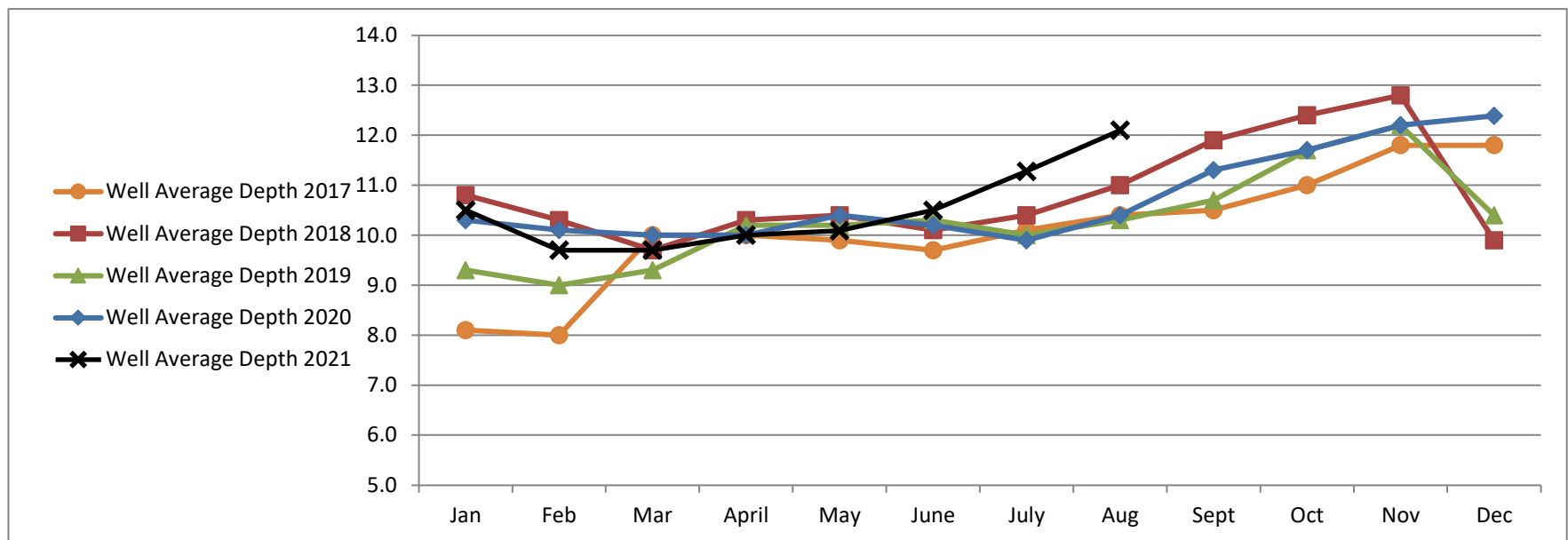
August 2021

**DATA SUMMARY SHEET**

<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					15,312,153
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					16,157,020
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					14,575,753
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					16,891,261
Sewer Influent/Water Produced Ratio	1.30	1.05	0.95	0.83	0.78	0.80	0.80	0.90					N/A
Adjusted Sewer/Water Produced Ratio	1.16	0.95	0.93	0.81	0.75	0.77	0.77	0.85					N/A
Well 1 Water Production	90,358	3,590	101,952	972,774	1,010,847	1,793,480	2,693,847	2,169,948					8,836,797
Well 2 Water Production	1,760,792	1,678,811	1,805,298	1,141,373	1,069,939	591,818	5,236	1,197					8,054,464
Total Well Production	1,851,150	1,682,402	1,907,250	2,114,147	2,080,786	2,385,297	2,699,083	2,171,145					16,891,261
Water Well 1 Avg Depth to Water	10.6	9.9	9.8	10.1	10.2	10.6	11.5	12.3					N/A
Water Well 2 Avg Depth to Water	10.4	9.6	9.5	9.8	9.9	10.3	11.1	12.0					N/A
Average Depth to Water of Both Wells	10.5	9.7	9.7	10.0	10.1	10.5	11.3	12.1					N/A
Change in Average Depth to Water from 2019	+0.2	-0.4	-0.3	0.0	-0.2	+0.3	+1.4	+1.7					N/A
Average Chloride mg/L at the Wells	352	169	77	41	31	30	30	30					N/A
State Wastewater Treated	250,618	60,202	125,914	57,908	67,506	75,936	79,894	89,406					807,384
State % of Total WW Flow	10%	4%	7%	3%	4%	4%	4%	5%					N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0					0
Biosolids Removal (Gallons)	0	4,500	0	4,500	9,000	4,500	9,000	4,500					36,000
<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>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>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>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>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>2020</b>													
	Jan-20	Feb-20	Mar-20	Apr-20	May-20	Jun-20	Jul-20	Aug-20	Sep-20	Oct-20	Nov-20	Dec-20	Total for 2020
Wastewater Influent	2,215,755	1,971,958	1,944,913	1,583,618	1,850,716	2,266,319	2,341,110	2,516,424	1,858,385	1,825,386	1,542,483	1,305,557	23,222,624
Wastewater Final Effluent (Month Cycle)	2,168,690	1,922,920	1,846,450	1,555,350	1,707,500	2,045,070	2,304,980	2,397,730	1,907,070	1,915,400	1,661,370	1,431,330	22,863,860
Adjusted Wastewater Influent(- State Flow) *	1,958,507	1,780,122	1,818,999	1,500,460	1,748,006	2,201,429	2,262,301	2,440,274	1,798,005	1,763,948	1,490,514	1,257,657	22,020,222
Water Produced (month cycle)	1,843,670	1,872,693	1,514,688	1,215,724	1,962,303	2,261,129	2,673,502	2,726,684	2,321,568	2,242,803	1,894,160	1,785,252	24,314,177
Sewer Influent/Water Produced Ratio	1.20	1.05	1.28	1.31	0.94	1.00	0.88	0.92	0.80	0.81	0.81	0.73	N/A
Adjusted Sewer/Water Ratio	0.94	0.95	1.20	1.24	0.89	0.91	0.85	0.90	0.78	0.79	0.79	0.71	N/A
Average Depth of Both Wells	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.4	11.3	12.2	12.8	12.5	N/A
Change in Average Depth to Water from 2018	+1.0	+1.1	+0.7	-0.2	+0.2	+0.1	+0.1	+0.1	+0.6	+0.5	+0.6	+1.1	N/A
Average Chloride mg/L at the Wells	32	32	32	-	-	-	-	-	-	<30	<30	55	N/A
State Wastewater Treated	257,248	191,836	125,914	83,158	102,710	64,890	78,809	76,150	60,380	61,438	51,969	47,900	1,202,402
State % of Total WW Flow	12%	10%	6%	5%	6%	3%	3%	3%	3%	3%	3%	4%	N/A
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0	0	0	0
Biosolids Removal (Gallons)	4,500	9,000	9,000	0	4,500	4,500	9,000	0	4,500	4,500	4,500	4,500	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 August 2021**

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
<b>Well Average Depth 2017</b>	8.1	8.0	10.0	10.0	9.9	9.7	10.1	10.4	10.5	11.0	11.8	11.8
<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	11.7	12.2	12.4
<b>Well Average Depth 2021</b>	10.5	9.7	9.7	10.0	10.1	10.5	11.3	12.1				



**3. A. iii GENERAL MANAGER'S REPORT**  
**Charles Grace**  
**Update for August 2021**



## GENERAL MANAGER'S REPORT

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### Item 3.A.iii

**GES Staff Activity** – Report on staff activities for the month of August 2021. Regular activities performed by District staff include:

Processing of utility payments, customer service duties, answering phone calls, mailing of the regular monthly utility bills. Prepared and distributed the agenda and Board packet for both a regular Board meeting.

GES Staff also attended to the following items:

- Responded to sixteen (16) public records requests.
- Prepared for the September 7, 2021 District Fiscal year audit.
- Gathered information for the DDW's Acreages Survey. All information provided to the DDW is available as part of the District's Financials.

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#### **Update on District Grants:**

**OPC Grant** – None

**LCP Grant** – None

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#### **Update on District Projects:**

**Update on CHRP** – None

**Rate Study/Finance Items** – GES has been in contact with three firms to obtain quotes for these services on behalf of the District. GES is currently working with the RCAC and State to see if the community is eligible to receive financial assistance related to a rate study. Once this information has been compiled this matter will be placed on the meeting agenda.

**Hearst Encroachment** – As previously reported, GES is working with a title company and survey company on this matter. This item is part of the Business Action items.

**Water Tank Project Update/Prop 1 Grant** – A copy of the most recent correspondence from San Luis Obispo County Public Works is attached to the General Manager's report.

Enc: Letter to Tim Carson, RWMF dated August 24, 2021  
Letter to Carmel Brown, DWR dated August 24, 2021



**COUNTY OF SAN LUIS OBISPO**  
**Department of Public Works**  
 John Diodati, *Director*

August 24, 2021

**EMAIL ONLY**

Ms. Carmel Brown, PE  
 Chief, Financial Assistance Branch  
 Division of Regional Assistance  
 Department of Water Resources  
[Carmel.Brown@water.ca.gov](mailto:Carmel.Brown@water.ca.gov)

Subject: Re: San Simeon Community Services District Update

Dear Ms. Brown:

This letter is in response to your letter dated November 4, 2020. In that letter, the Department of Water Resources (DWR) references public complaints related to a project constructed by the San Simeon Community Services District's (SSCSD). This project was partially funded by the 2015 Round, Proposition 84 Implementation Grant Program (Prop. 84 Grant) and pursuant to Grant Agreement Number 4600011487 which terminated as of June 30, 2019. DWR requested the San Luis Obispo County Flood Control and Water Conservation District (SLO County) investigate these complaints in light of the fact that another SSCSD project was awarded a \$500,000 grant from the Proposition 1, Round 1 Integrated Regional Water Management Implementation Grant program (Prop. 1 Grant). Specifically, the public complaints involve allegations regarding lack of competitive bidding and lack of the represented real property interest.

This letter includes a timeline of correspondence, SLO County's understanding of the complaints and SSCSD's response by and through its attorney Mr. Jeffrey A. Minnery as well as next steps.

Timeline of Correspondence

In response to DWR's letter, SLO County contacted SSCSD. A timeline of this and subsequent correspondence related to DWR's request is below and attached to this letter:

Attachment No.	Dated Sent / Received	Description
1	11/4/2020	SLO County received letter from DWR regarding the Prop 84 Grant awarded to SSCSD
2	12/21/2020	SLO County sent information request letter to SSCSD and corresponding update to DWR
3	1/21/2021	SSCSD sent initial response to SLO County

**County of San Luis Obispo Department of Public Works**

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Attachment No.	Dated Sent / Received	Description
5	5/6/2021	SLO County sent final notice to SSCSD regarding outstanding information requests
4	3/9/2021	SSCSD sent additional document to SLO County
6	6/4/2021	SSCSD sent response to SLO County
7	6/10/2021	SLO County staff confirmed with SSCSD staff that SSCSD does not intend to send any additional documents

### SLO County's Understanding of Complaints and SSCSD Response

#### *Lack of Competitive Bidding*

The complaint alleges SSCSD did not follow applicable laws related to the fair and competitive bidding and procurement processes when awarding a contract to Phoenix Civil Engineering.<sup>1</sup> SSCSD included approximately \$42,400 of invoices from Phoenix Civil Engineering as part of the funding match for the Prop 84 Grant.

In response to this complaint, SSCSD asserts that obtaining a proposal from Phoenix Civil Engineering, a “professional engineer with 20 years of experience” and with whom SSCSD had previously worked, and comparing its proposed rate “to its file of rate sheets from various engineering companies” was sufficient under its then existing procurement policy (subsequently amended) and constituted a “competitive selection process” as required by Standard Condition D.13 of Grant Agreement Number 4600011487 and Government Code Section 4529.12 under the circumstances.<sup>2</sup> More specifically, SSCSD claims that the process was compliant given its declaration of a stage 3 water shortage while conceding that a more protracted selection procedure “may have been appropriate” in non-emergency situations.<sup>3</sup>

#### *Lack of Represented Real Property Interest*

The complaint alleges SSCSD constructed part of the Prop. 84 Grant project on land it did not own, without an easement at the time from the adjacent property owner (Hearst Corporation), despite the State’s requirement that necessary easements/land acquisitions be secured prior to construction and despite the terms of Exhibit A to Grant Agreement Number 4600011487 and to the related Funding Agreement between SLO County and SSCSD, which both specified that the project would be constructed on SSCSD property.<sup>4</sup>

In response to DWR’s request, a summary of the relevant parties’ positions and status of the dispute is below:

<sup>1</sup> See attached letter from DWR to SLO County dated November 4, 2020 summarizing the complaint.

<sup>2</sup> See attached letter from SSCSD dated June 4, 2021.

<sup>3</sup> See *id.*

<sup>4</sup> See attached letter from DWR to SLO County dated November 4, 2020.



SSCSD currently claims the Prop 84 Grant project was constructed on property owned by SSCSD based on, among other things, two opinions of counsel (one dated August 19, 2015 and one dated February 25, 2021).<sup>5</sup> However, a local surveyor (Wallace Group) contracted by Hearst Corporation concluded the project was constructed in part on Hearst Corporation property in a report dated August 18, 2020.<sup>6</sup> Subsequent to this report and notwithstanding SSCSD's current position, SSCSD entered into a Revocable Encroachment License Agreement with Hearst Corporation on October 26, 2020 which states as follows in the recitals: "In July 2020, Hearst and the [SSCSD] discovered that a portion of the Improvements encroaches [...] on a portion of the Conservation Property [...]" as set forth in the Wallace Group report, and the SSCSD desires to obtain a license to "temporarily leave the existing Encroachment on the Encroachment area pending final resolution of the Encroachment".<sup>7</sup> On April 8, 2021, SSCSD considered signing an easement agreement with Hearst Corporation but chose to continue negotiations with the intention to prove the property is owned by SSCSD.<sup>8</sup> To date, SLO County is not aware of any further discussions by the SSCSD Board of Directors and assumes that the property dispute remains unresolved. Hearst Corporation has the right to terminate the Revocable Encroachment License Agreement for any reason upon 90 days' notice.

### Next Steps

As indicated above, DWR requested that SLO County investigate the claims in light of the fact that another SSCSD project was awarded a Prop 1 Grant. Given the current status of the Prop 1 Grant project as well as on the term of Grant Agreement Number 4600011487, SLO County believes that this letter and the attachments hereto are adequately responsive. Specifically, the Prop 1 Grant project was not included in Grant Agreement Number 4600013800 but rather identified only as a placeholder project due to the ongoing investigation of the status of the property. Moreover, SSCSD acknowledges that an easement from, or other long-term agreement with, Hearst Corporation is required for the Prop 1 Grant project but is not currently pursuing negotiations to acquire the necessary property interest as articulated in a staff report for the August 12, 2021, meeting of the SSCSD Board of Directors from the General Manager. The same report also notes that design is on hold and will require new contract(s) to proceed, suggesting that the status of the project is significantly different than as represented in SSCSD's application for Prop. 1. Grant funds consistent with SSCSD's failure to respond to SLO County's request for updates regarding the project.

Based on the foregoing, staff intends to seek direction from the SLO County Board of Supervisors regarding whether SLO County wants to submit a request to DWR that SSCSD's Prop 1 Grant project be entirely removed from Grant Agreement Number 4600013800. In light of our understanding of current conditions, staff intends to recommend removal of the project so that

<sup>5</sup> See attached letter from SSCSD dated June 4, 2021, specifically Attachment 5 (numbers 1 and 9) of that letter.

<sup>6</sup> See Item 5.F of the October 14, 2020 SSCSD Board Meeting Packet, available at <https://sansimeoncsd.org/board-meetings/>.

<sup>7</sup> See attached letter from SSCSD dated June 4, 2021, specifically Attachment 5 (number 6) of that letter.

<sup>8</sup> See page 4, Item 6.F of the April 8, 2021 SSCSD Board meeting minutes for this decision, available at <https://sansimeoncsd.org/wp-content/uploads/sites/23/2021/05/April-8-2021-Board-Meeting-Minutes-.pdf>.

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### County of San Luis Obispo Department of Public Works

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[pwd@co.slo.ca.us](mailto:pwd@co.slo.ca.us) | [slocounty.ca.gov](http://slocounty.ca.gov)

the awarded funds can be made available for future Countywide funding opportunities. No matter the result, we will provide you additional information regarding the Board's direction which we anticipate seeking at one of its public meetings no later than December 31, 2021.

Please feel free to contact us at (805) 781- 5252 if you'd like to discuss further.

Thank you.



John Diopdati  
Public Works Director  
County of San Luis Obispo

Attachments:

1. 11/9/2020 Letter from RWMF to SLO County
2. 12/21/2020 Letter from SLO County to SSCSD
3. 1/21/2021 Letter from SSCSD to SLO County
4. 3/9/2021 Email from SSCSD to SLO County, with attachment
5. 5/6/2021 Letter from SLO County to SSCSD
6. 6/4/2021 Letter from SSCSD to SLO County
7. 6/10/2021 Emails between SLO County and SSCSD

c: Bruce Gibson, District 2 Supervisor  
Rita Neal, County Counsel  
Muzaffar Eusuff, Department of Water Resources  
Gwen Kellas, San Simeon CSD Board of Directors Chair  
Charles Grace, San Simeon CSD General Manager

File: 900.213.01

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**COUNTY OF SAN LUIS OBISPO**  
**Department of Public Works**  
 John Diodati, *Director*

August 24, 2021

**EMAIL ONLY**

Mr. Tim Carson  
 Program Director  
 Regional Water Management Foundation  
[tcarson@cfsc.org](mailto:tcarson@cfsc.org)

Subject: RE: San Simeon Community Services District Information Request,  
 Agreement Number 4600012296

Dear Mr. Carson:

This letter is response to your letter dated November 10, 2020. In that letter, the Regional Water Management Foundation (RWMF) requested the following documentation:

1. Documentation and explanation of the selection process by the San Simeon Community Services District (SSCSD) of Phoenix Civil Engineering for work performed on the DAC-I funded grant; and,
2. Documentation and explanation approval process by the SSCSD Board or duly authorized SSCSD personnel for Phoenix Civil Engineering to perform work on the DAC-I funded grant; and,
3. A copy of the SSCSD's procurement policy and, absent such a policy, any additional information to be responsive to DWR's inquiry on the matter.

In response to this request, the San Luis Obispo County Flood Control and Water Conservation District (District) contacted SSCSD and a timeline of this and subsequent correspondences related to RWMF's request is below and attached to this letter:

Attachment #	Dated Sent / Received	Description
1	11/9/2020	District received letter from Regional Water Management Foundation (RWMF) regarding a DAC-I grant awarded to SSCSD
2	12/21/2020	District sent information request letter to SSCSD and corresponding update to RWMF
3	1/21/2021	SSCSD sent initial response to District
4	5/6/2021	District sent final notice to SSCSD regarding outstanding information request
5	6/4/2021	SSCSD sent response to District
6	6/10/2021	District staff confirmed with SSCSD staff that SSCSD does not intend to send any additional documents

**County of San Luis Obispo Department of Public Works**

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 Page 17 of 59

Specifically, to RWMF's 11/4/2020 request, please see the following:

1. 1/21/2021 Letter narrative and Exhibit A-3 therein (Attachment 3)
2. 6/4/2021 Letter narrative and attachments 6 and 7 therein (Attachment 5)

Please note, we've excluded Attachments 1-5 of the 6/4/2021 SSCSD letter because they pertain to a Proposition 84 grant and are not relevant to RWMF's request. That being said, if the RWMF would like to see these attachments, we will provide them.

With this response to the RWMF, we consider your 11/9/2020 requests completed.

Please feel free to contact us at (805) 781- 5252 if you'd like to discuss further.

Thank you.



John Diodati  
Public Works Director  
County of San Luis Obispo

Attachments:

1. 11/9/2020 Letter from RWMF to District
2. 12/21/2020 Letter from District to SSCSD
3. 1/21/2021 Letter from SSCSD to District
4. 5/6/2021 Letter from District to SSCSD
5. 6/4/2021 Letter from SSCSD to District, including Attachments 6 and 7 only
6. 6/10/2021 Emails between District and SSCSD

c: Bruce Gibson, District 2 Supervisor  
Rita Neal, County Counsel  
Carmel Brown, Department of Water Resources  
Muzaffar Eusuff, Department of Water Resources  
Gwen Kellas, San Simeon CSD Board of Directors Chair  
Charles Grace, San Simeon CSD General Manager

File: 900.213.01

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**3. A. iv. DISTRICT FINANCIALS**  
**Cortney Murguia**  
**August 31, 2021**

**SAN SIMEON COMMUNITY SERVICES DISTRICT**



**3.A.iv FINANCIAL SUMMARY**

**Billing  
August 31, 2021**

July Billing Revenue	\$ 114,565.74
August Billing Revenue	\$ 83,194.97
Past Due (60+ days)	\$ 11,488.31

**ENDING BANK BALANCES**

August 31, 2021

**PACIFIC PREMIER BANK:**

Money Market Account Closing Balance July 31, 2021	\$ 1,094,235.98
Interest for August	\$ 44.47
Money Market Account Closing Balance August 31, 2021	\$ 1,094,280.45
Reserve Fund	(250,000.00)
Wait-list Deposits	(80,098.60)
Customer Deposits	8,750.00
<b>Available Funds</b>	<b>\$ 772,931.85</b>

**General Checking Account August 31, 2021** **\$ 189,667.97**

**LAIF Closing Balance August 31, 2021** **\$ 560.96**

**Interest Money Market Account 2019** **\$ 22,529.11**

**Interest Money Market Account 2020** **\$ 12,206.44**

**Interest Money Market Account 2021** **\$ 994.93**

**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Balance Sheet**  
As of August 31, 2021

	Aug 31, 21
<b>ASSETS</b>	
<b>Current Assets</b>	
<b>Checking/Savings</b>	
1010 · Petty cash	150.00
1015 · Pac Prem Ckg-6603	186,378.27
1017 · Pacific Premier-Money Market	1,014,407.76
1050 · LAIF - non-restricted cash	560.96
<b>Total Checking/Savings</b>	1,201,496.99
<b>Other Current Assets</b>	
1200 · Accounts receivable	104,608.19
1220 · A/R - Hearst Castle	5,654.87
1300 · Prepaid insurance expense	9,827.85
<b>Total Other Current Assets</b>	120,090.91
<b>Total Current Assets</b>	1,321,587.90
<b>Fixed Assets</b>	
<b>1400 · Fixed assets</b>	
1420 · Building and structures	279,580.67
1500 · Equipment	12,689.93
1560 · Pipe bridge	29,497.00
1580 · Sewer plant	869,352.16
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
<b>Total 1400 · Fixed assets</b>	3,735,721.44
<b>1450 · Construction in Progress</b>	
1670 · Reservoir / Water Tanks	287,693.56
<b>Total 1450 · Construction in Progress</b>	287,693.56
<b>1690 · Accumulated depreciation</b>	(1,554,817.18)
<b>Total Fixed Assets</b>	2,468,597.82
<b>TOTAL ASSETS</b>	<b>3,790,185.72</b>
<b>LIABILITIES &amp; EQUITY</b>	
<b>Liabilities</b>	
<b>Current Liabilities</b>	
<b>Other Current Liabilities</b>	
2100 · Payroll liabilities	(15.30)
2500 · Customer security deposits	8,800.00
2510 · Connect hookup wait list	80,098.60
<b>Total Other Current Liabilities</b>	88,883.30
<b>Total Current Liabilities</b>	88,883.30
<b>Long Term Liabilities</b>	
2520 · USDA Loan Principal Bal	434,352.02
<b>Total Long Term Liabilities</b>	434,352.02
<b>Total Liabilities</b>	523,235.32

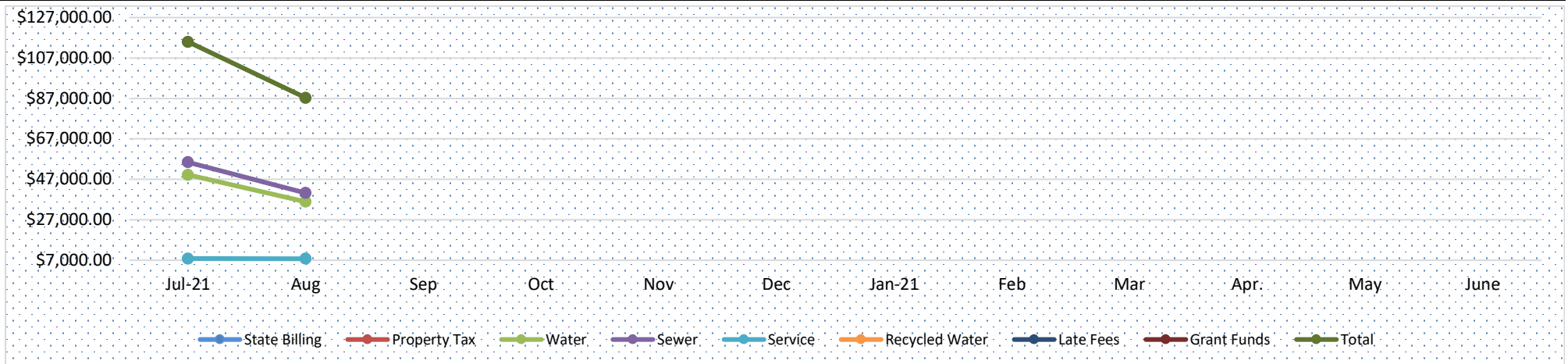
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Balance Sheet**  
**As of August 31, 2021**

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	Aug 31, 21
<b>Equity</b>	
3200 · Fund balance	(118,856.46)
3201 · Net Investment in Capital Asset	2,065,680.00
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
3209 · Waitlist and Security Deposits	88,798.60
3210 · Unrestricted-Undesignatd Equity	598,548.56
3900 · Suspense	4,919.55
Net Income	23,275.33
	3,266,950.40
<b>Total Equity</b>	<b>3,266,950.40</b>
<b>TOTAL LIABILITIES &amp; EQUITY</b>	<b>3,790,185.72</b>

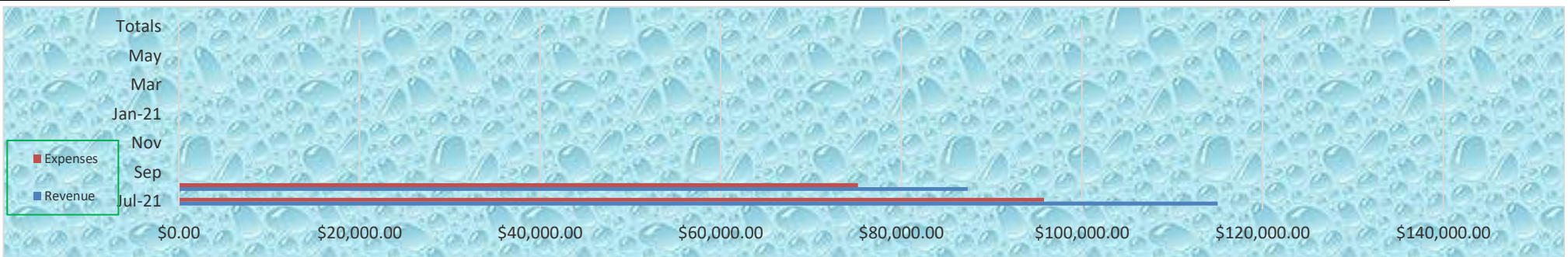
**DISTRICT REVENUE FY 2021/2022**

	Jul-21	Aug	Sep	Oct	Nov	Dec	Jan-21	Feb	Mar	Apr.	May	June	Totals
State Billing													\$0.00
Property Tax													\$0.00
Water	\$49,269.78	\$36,018.10											\$85,287.88
Sewer	\$55,516.22	\$40,331.83											\$95,848.05
Service	\$7,910.24	\$7,834.18											\$15,744.42
Recycled Water													\$0.00
Late Fees	\$2,349.85	\$3,168.75											\$5,518.60
Grant Funds	\$0.00	\$0.00											\$0.00
<b>Total</b>	<b>\$115,046.09</b>	<b>\$87,352.86</b>											<b>\$202,398.95</b>
Water Sold Cu Ft	357524	261467											618991
Water Sold Acre ft	8.21	6.00											14.21



**REVENUE VS EXPENSES**

	Jul-21	Aug	Sep	Oct	Nov	Dec	Jan-21	Feb	Mar	Apr.	May	June	Totals
Revenue	\$115,046.09	\$87,352.86											
Expenses	\$95,803.89	\$75,209.49											
Balance	\$19,242.20	\$12,143.37											



**SAN SIMEON COMMUNITY SERVICES  
HISTORICAL FISCAL REVIEW**

September 9, 2021 Board Meeting Packet

**FY 2018/2019**

Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$26,723.91			\$20,971.00			\$19,858.71			\$19,390.52	<b>\$86,944.14</b>
Property Tax	\$1,288.59		\$169.19	\$7,205.82	\$8,542.19	\$33,187.58	\$1,319.32	\$4,888.55	\$2,227.01	\$22,928.34	\$3,062.24	\$1,057.02	<b>\$85,875.85</b>
Water	\$41,336.59	\$45,279.14	\$41,178.74	\$34,050.67	\$30,760.16	\$24,353.21	\$29,009.60	\$27,745.06	\$24,146.67	\$35,445.24	\$29,158.01	\$38,455.33	<b>\$400,918.42</b>
Sewer	\$47,258.33	\$53,156.35	\$47,379.43	\$39,628.31	\$35,491.84	\$28,149.21	\$34,169.78	\$32,181.86	\$27,850.19	\$41,666.62	\$33,854.74	\$44,856.07	<b>\$465,642.73</b>
Service	\$7,111.73	\$7,113.60	\$7,113.60	\$7,113.60	\$7,079.40	\$7,079.40	\$7,147.80	\$7,079.40	\$7,079.40	\$7,079.40	\$7,045.20	\$7,079.40	<b>\$85,121.93</b>
Late Fees	\$461.43	\$201.49	\$290.08	\$168.71	\$600.53	\$135.60	\$178.43	\$146.51	\$126.87	\$177.46	\$111.54	\$272.66	<b>\$2,871.31</b>
Grant Funds				\$11,367.00		\$18,753.05							
Revenue	<b>\$97,456.67</b>	<b>\$105,750.58</b>	<b>\$122,854.95</b>	<b>\$88,167.11</b>	<b>\$82,474.12</b>	<b>\$113,876.00</b>	<b>\$71,824.93</b>	<b>\$72,041.38</b>	<b>\$81,288.85</b>	<b>\$107,297.06</b>	<b>\$73,231.73</b>	<b>\$111,111.00</b>	<b>\$1,127,374.38</b>
Expense	<b>\$81,495.91</b>	<b>\$74,250.58</b>	<b>\$102,279.81</b>	<b>\$104,990.12</b>	<b>\$111,554.79</b>	<b>\$92,037.25</b>	<b>\$94,850.91</b>	<b>\$94,625.06</b>	<b>\$71,744.58</b>	<b>\$105,016.25</b>	<b>\$89,244.32</b>	<b>\$98,066.81</b>	<b>\$1,120,156.39</b>
Balance	<b>\$15,960.76</b>	<b>\$31,500.00</b>	<b>\$20,575.14</b>	<b>(\$16,823.01)</b>	<b>(\$29,080.67)</b>	<b>\$21,838.75</b>	<b>(\$23,025.98)</b>	<b>(\$22,583.68)</b>	<b>\$9,544.27</b>	<b>\$2,280.81</b>	<b>(\$16,012.59)</b>	<b>\$13,044.19</b>	<b>\$7,217.99</b>
Water Sold Cu Ft	334631	367360	332914	275609	243491	195107	236456	227602	197397	288979	236030	311046	<b>3,246,622</b>
Water Sold Acre f	7.68	8.43	7.64	6.33	5.59	4.48	5.43	5.23	4.53	6.63	5.42	7.14	<b>74.53</b>

**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 f	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 f	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>



**3. B. i. v. AD-HOC COMMITTEE REPORTS**  
**List of committee members**



## ADHOC COMMITTEE REPORTS

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### List of Committee Members:

- i. **Status Update**– Disbursements Journal Review Committee members:  
Director Maurer and Vice-Chairperson Giacoletti.
- ii. **Status Update** – Policy & Procedures Committee members:  
Chairperson Kellas and Director Carson.
- iii. **Status Update** – Parking on District Streets Committee members:  
Director de la Rosa and Vice-Chairperson Giacoletti.
- iv. **Status Update** – Budget Committee members:  
Michael Hanchett, Miguel Sandoval, Luz Hernandez, Director William Maurer  
(Committee Chairperson)
- v. **Status Update** – Water Committee members:  
John Russell, Leroy Price, Michael Hanchett, Director Daniel de la Rosa

**4. CONSENT AGENDA**

- A. Review and approval of Minutes for the Regular Meeting on August 12, 2021.**

**MEETING MINUTES**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Thursday, August 12, 2021**  
**5:00 pm**

**Internet Meeting Location – Via ZOOM**

**1. REGULAR SESSION: 5:02 PM**

- A. Chairperson Kellas – Present
- Vice-Chairperson Giacoletti – Present
- Director Carson – Present
- Director Maurer – Present
- Director de la Rosa – Present

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

**Public Comment –**

(3:50) Michael Donahue asked who the CSD General Manager is.

(4:42) Henry Krzciuk asked who the CSD General Manager is.

(11:00) Julie Tacker asked for clarification on the public comment process on the agenda. She also asked who the CSD General Manager is.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. STAFF REPORTS:**

- i. **Sheriff's Report** – (6:18) Sergeant Chris Langston provided a report for the month of July.
- ii. **CHP Report** – (15:00) Sergeant Chandler Stewart provided a report for the month of July.  
(20:00) Director Carson and the Sergeant discussed vehicles being abandoned on the street.
- iii. **Superintendent's Report** – (25:49) Jerry Copeland provided a summary of July activities.
- iv. **General Manager's Report** – (27:15) Charlie Grace provided a summary of July Activities.  
(28:40) Jeff Oliveira provided a summary of progress on the Coastal Hazard Response Plan (CHRP).
- v. **District Financial Summary** – (33:25) Charles Grace provided a summary of July Financials.
- vi. **District Counsel's Report** – (35:35) Natalie Fry Laacke provided a summary of July Activities.

**A. AD-HOC COMMITTEE REPORTS:**

- i. Status Update Disbursements Journal Review Committee – (36:45) Director Maurer provided an update.
- ii. Status Update Policy & Procedures Committee – (38:44) Chairperson Kellas provided an update.
- iii. Status Update parking on District streets – (39:10) Director de la Rosa provided an update.
- iv. Chairperson Kellas provided on update – (39:40) Director Maurer provided an update on behalf of the Budget Committee.
- v. Status Update Water Committee. – (40:08) There was no update.

(40:46) Vice-Chairperson Giacoletti commented on the legal analysis specifically comparing January 2020 and January 2021.

**4. CONSENT AGENDA ITEMS:**

(43:29) Vice-Chairperson Giacoletti and Charlie Grace discussed the payment to Dechance Construction Company listed on the disbursements journal for repairs to a water line. Charlie clarified that the payment was above \$2500 and referenced the GES contractual language.

**Public Comment –**

(47:10) Karina Tiwana commented.

\*(50:40) Chairperson Kellas experienced technical difficulties. She had to re-login to the Zoom meeting.

(53:40) Director Carson commented that he was recently made aware that Ron Hurlbert was financing the lawsuit with Bob Hather. Specifically stating that this created a conflict of interest for him and that moving forward he would have to recuse himself on any matters related to the Bob Hather.

(55:40) Chairperson Kellas rejoined the meeting.

**Public Comment continued –**

(56:30) Michael Cruz commented.

(57:30) Chairperson Kellas commented about Board members being classified as employees of the District.

(59:50) Julie Tacker commented.

(1:03:05) Director Carson turned his back to the camera.

(1:05:40) Henry Krzciuk commented.

(1:07:30) Chairperson Kellas commented on her internet connection stating that she was having difficulties.

(1:08:15) Karina Tiwana commented.

(1:08:60) Michael Hanchett commented.

**A. Review and approval of Minutes for the Regular Meeting on July 8, 2021.**

**B. Review and approval of Corrected Minutes for Regular Meeting on June 10, 2021.**

**C. Review and approval of Disbursements Journal.**

\*(1:10:48) Chairperson Kellas experienced technical difficulties and dropped off the Zoom meeting. Natalie Frye Laacke asked Vice-Chairperson Giacoletti to chair the meeting.

(1:11:40) A motion was made to approve the meeting minutes and the disbursements journal.

Motion: Director Carson

2nd: Director Maurer

Vote: 4/0

Absent: 1

Roll Call: Kellas: ABSENT Giacoletti: Yes Carson: Yes Maurer: Yes de la Rosa: Yes

## 5. PUBLIC HEARING:

### A. Consideration of Adoption of Resolution 21-432 approving the Fiscal Year Budget for 2021/2022. (1:13:40)

(1:13:45) Director Maurer introduced the item and provided a summary of the budget for fiscal year 2021/2022. Michael Hanchett provided additional information about the budget.

(1:19:55) Director Maurer made a motion to approve the fiscal year budget.

#### Public Comment –

(1:20:35) Henry Krzciuk commented.

(1:22:28) Julie Tacker commented.

(1:25:08) Michael Donahue commented.

(1:27:28) Karina Tiwana commented.

(1:29:10) Michael Donahue commented.

\*(1:30:00) Chairperson Kellas rejoined the meeting. (estimated)

(1:30:40) Director Maurer asked that Natalie or Charlie clarify the status of who the general manager is. Chairperson Kellas asked the Board to stay on the topic of the budget.

(1:31:58) A motion was made to accept the budget.

Motion: Chairperson Kellas

2nd: Director Carson

Vote: 5/0

Abstain: 0

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

## 6. BUSINESS ACTION ITEMS:

### A. Authorization for formation of an Ad-Hoc committee to review the Coastal Hazard Response Plan (CHRP). (1:33:32)

Chairperson Kellas introduced the item.

(1:35:00) Director Maurer stated that he thought it was a good idea to have an ad-hoc committee. Vice-Chairperson agreed with the idea of having Kellas and de la Rosa on the committee.

#### Public Comment –

(1:36:55) Henry Krzciuk commented.

(1:38:00) Julie Tacker commented.

(1:41:20) Michael Hanchett commented.

(1:42:40) Michael Donahue commented. There were technical difficulties when he was commenting.

(1:43:10) Karina Tiwana commented.

(1:44:40) Michael Donahue commented.

(1:45:35) There were technical difficulties when Director Maurer spoke. He asked Natalie to Charlie to clarify the status of who the General Manager was. Natalie asked the Chairperson if she would like for her to answer this question. Chairperson Kellas experienced technical difficulties and dropped off the meeting.

(1:49:00) Marlene Ramey commented.

(1:50:37) A motion was made to authorize the formation of an ADHOC committee to review the CHRP.

Motion: Director Carson  
2nd: Vice-Chairperson Giacoletti  
Vote: 4/1  
Abstain: 1

Roll Call: Kellas: Yes Giacoletti: Yes Carson: Yes de la Rosa: Yes Maurer: Abstain

**B. Discussion/Direction to staff to return to in person Board meetings. (1:52:30)**

(1:53:00) Vice-Chairperson Giacoletti commented that she had asked that this item be added to the agenda based on the feedback she had received from constituents.

(1:54:00) Director Maurer inquired about the process to return to in person meetings based on the surge in COVID cases. Natalie Frye Laacke responded.

(1:55:20) Director Carson inquired with Mike Hanchett about the use of the meeting room at the Cavalier.

(1:56:18) Director de la Rosa stated that he thought the Board should return to in person meetings.

**Public Comment –**

(1:57:03) Michael Donahue commented.

(1:57:50) Karina Tiwanna commented.

\*(1:59:00) Vice-Chairperson Giacoletti experienced technical difficulties and dropped off the meeting.

(1:59:40) Chairperson Kellas asked that Karina Tiwanna repeat her public comment.

(2:00:20) Julie Tacker commented.

(2:02:20) Nora Saenz commented.

(2:04:27) Michael Hanchett commented.

(2:05:20) Director de la Rosa agreed that hybrid meetings would be extremely difficult based on the size of our community.

\*(2:06:50) Chairperson Kellas experienced technical difficulty. She dropped off the meeting.

(2:07:00) Vice- Chairperson Giacoletti closed public comment.

(2:07:50) A consensus was reached to direct staff to return to in person meetings. (Maurer, de la Rosa, Carson)

**C. Authorization to resubmit request for proposal for on-call engineering services for the District. (2:10:15)**

Vice-Chairperson Giacoletti introduced the item. Director Maurer clarified that the attachment to the report was from the previous RFP.

(2:12:40) Director Maurer suggested that this item be tabled.

(2:13:00) Director de la Rosa asked the Board to move forward with this RFP.

**Public Comment –**

(2:15:40) Julie Tacker commented.

(2:17:35) Karina Tiwana commented.

(2:18:55) Michael Donahue commented.

(2:20:36) A motion was made to revise the RFP for a second attempt.

(2:21:45) Director Carson revised the motion to be that the RFP be reviewed by Chairperson Kellas before it was sent out.

Motion: Director Carson  
2nd: Vice-Chairperson Giacoletti  
Vote: 4/0  
Absent: 1

(2:23:00) Natalie Frye Laacke repeated the motion. Stating the RFP be revised and that the Chairperson Kellas review it prior to be being sent out.

(2:23:08) Vice-Chairperson Giacoletti experienced technical difficulties. She dropped off the meeting.

Motion: Director Carson  
2nd: Director Maurer  
Vote: 3/0  
Absent: 2

Roll Call: Carson: Yes de la Rosa: Yes Maurer: Yes  
Kellas: ABSENT Giacoletti: ABSENT

**D. Authorization for the Chairperson to respond to citizen's concern regarding Government Code 61110. (2:24:40)**

Director Maurer introduced the item. Suggesting that the item be tabled.

(2:27:20) Director Carson and Director de la Rosa suggested that the Board move forward with this item.

**Public Comment –**

(2:28:15) Julie Tacker commented.



(2:30:00) Henry Krzciuk commented.  
(2:32:50) Karina Tiwana commented.  
(2:34:40) Michael Hanchett commented.

\*(2:35:30) Vice-Chairperson Giacoletti rejoined the meeting.

(2:36:40) A motion was made to proceed.

(2:37:00) Natalie Frye Laacke repeated the motion. Authorization for the Chairperson to respond to citizen's concern regarding Government Code 61110. Director Carson repeated the motion.

Motion: Director Carson  
2nd: Director de la Rosa  
Vote: 4/0  
Absent: 1

Roll Call: Kellas: ABSENT Giacoletti: Yes Carson: Yes de la Rosa: Yes Maurer: Yes

**7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS – (2:39:55)**

Director Maurer asked that Natalie Frye Laacke clarify the General Manager issue in her legal report for September. He also asked that the Hearst matter be added to the agenda. Director de la Rosa asked that the Proposition 1 grant money be added to the agenda.

**8. ADJOURNMENT – @7:42 PM**

**4. CONSENT AGENDA**

**B. Review and approval of Minutes for the Special Meeting on August 20, 2021**

**SPECIAL MEETING MINUTES  
San Simeon Community Services  
August 20, 2021**



**Internet Meeting Location – Via Zoom**

**1. REGULAR SESSION: 3:33 PM**

- A.** Chairperson Kellas – Present  
Vice-Chairperson Giacoletti – Present  
Director Carson – Present  
Director Maurer – Present  
Director de la Rosa – Present

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

- (1:26) Michael Donahue asked for clarity on who the General Manager of the District is.  
(2:32) Henry Krzciuk asked for clarification on the public comment process. He also asked for clarification on who the General Manager is. He stated that Cortney Murguia was misrepresenting herself.  
(5:35) Michael Hanchett asked for clarification on the public comment process.

**3. BUSINESS ITEMS**

**A. Review and Approval of Minutes for the Special Meeting on June 4, 2021. (6:58)**

There was no public comment on this item.

(7:48) A motion was made to approve the special meeting minutes from June 4, 2021.

Motion: Chairperson Kellas  
2nd: Director de la Rosa  
Vote: 5/0  
Abstain: 0

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

**B. Review and Approval of liability insurance policy with Special District Risk Management Authority and authorization to renew policy. (8:25)**

Public Comment:

(9:08) Henry Krzciuk commented.

(10:53) A motion was made to accept and pay the SDRMA policy as is.

(11:10) Julie Tacker commented.

(12:45) Chairperson Kellas repeated her original motion.

Motion: Chairperson Kellas  
2nd: Director de la Rosa  
Vote: 5/0  
Abstain: 0

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

**C. Authorization to solicit/advertise a RFP to update the Water Master Plan and to solicit/advertise a RFP for an Instream Flow Study. (13:31)**

Public Comment:  
(14:30) Julie Tacker commented.  
(16:05) Henry Krzciuk commented.

(17:22) A motion was made to accept the RFP's as is.

Motion: Chairperson Kellas  
2nd: Director Maurer  
Vote: 5/0  
Abstain: 0

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

**4. CLOSED SESSION – The Board will adjourn to Closed Session pursuant to Government Code Section 54957(b) to consider the following: (18:25)**

Public Comment:  
(18:40) Henry Krzciuk commented.  
(20:10) April Dury commented.  
(21:10) Julie Tacker commented.  
(22:24) Michael Hanchett commented.

**A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (23:21) (1 hour 11 min)**  
Title: District Counsel

**\*\*\*\*RECONVENE TO OPEN SESSION\*\*\*\***  
**Report on Closed Session**

(24:50) There was no reportable action. Director de la Rosa did not return to the regular meeting.

**5. ADJOURNMENT @ 5:09 PM**

## **4. CONSENT AGENDA**

### **C. Approval of the disbursements journal**

**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Disbursements Journal**  
**September 2021**

September 9, 2021 Board Meeting Packet

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Memo</u>	<u>Paid Amount</u>
Paycheck	09/09/2021	2275	GWEN KELLAS	Board Service August 2 through September 1, 2021.	-92.35
Paycheck	09/09/2021	2276	MARY P GIACOLETTI	Board Service August 2 through September 1, 2021.	-92.35
Paycheck	09/09/2021	2277	WILLIAM J CARSON	Board Service August 2 through September 1, 2021.	-92.35
Bill Pmt -Check	09/09/2021	2278	Alejandro Ramirez	Customer security deposit refund account #311. Effective 9/1/21.	-50.00
Bill Pmt -Check	09/09/2021	2279	Andrew Solomon	Customer security deposit refund account #162. Effective 9/1/21.	-50.00
Bill Pmt -Check	09/09/2021	2280	Bruce and Linda Mackey	Customer security deposit refund account #273. Effective 9/1/21.	-50.00
Bill Pmt -Check	09/09/2021	2281	Gale Kordowski	Customer security deposit refund account #322. Effective 9/1/21.	-50.00
Bill Pmt -Check	09/09/2021	2282	Linda Marcott	Customer security deposit refund account #350. Eff 9/1/21. (Applied \$36.18 to final bill and refunded 13.82 to customer).	-13.82
Bill Pmt -Check	09/09/2021	2283	Rob & Taylor Loscialpo	Customer security deposit refund and refund overpayment on account #430. Effective 9/1/21.	-54.36
Bill Pmt -Check	09/09/2021	2284	San Simeon Community Services District	Portion of cust security deposit - to be applied to final bill on account #350. Effective 9/1/21.	-36.18
Bill Pmt -Check	09/09/2021	2285	Kathleen Fry Bookkeeping Services	Attend budget committee meetings, provide bookkeeping analysis of budget for FY 21/22. Inv Budg_21-22 dated 9/1/21.	-300.00
Bill Pmt -Check	09/09/2021	2286	Kathleen Fry Bookkeeping Services	Bookkeeping services August 2021. Inv CSD-2021-08 dated 8/31/21.	-1,320.00
Bill Pmt -Check	09/09/2021	2287	Lori Mather Video Services	Video services for regular board meeting held on 9/9/2021 and special BOD meeting 8/20/21. Invoice dated 9/1/21.	-600.00
Bill Pmt -Check	09/09/2021	2288	McClatchy Company LLC	Public Notice in Tribune 8/12/21. RFP. Invoice 52734 dated 8/31/21.	-102.24
Bill Pmt -Check	09/09/2021	2289	rrm design group	Solid waste authority planning services, coordinate with LAFCO. Inv 0440-02-0621 dated 7/21/21.	-1,196.25
Bill Pmt -Check	09/09/2021	2290	Simply Clear Marketing & Media	Monthly Website Service and Mgt fee service period Sep 21 - Oct 20, 2021. Inv 31944 dated 8/20/21.	-400.00
Bill Pmt -Check	09/09/2021	2291	Grace Environmental Services	Electricity Reimbursement for 2020-2021 Fiscal Year. Inv 1476 dated 8/22/2021.	-12,745.90
Bill Pmt -Check	09/09/2021	2292	Grace Environmental Services	Operations Management September 2021. Inv 1475 dated 9/1/21.	-56,231.95
Check	09/25/2021	Elec Pymt	CalPERS Fiscal Svcs Div	Retiree Health monthly premium.	-351.72
Check	09/25/2021	Elec Pymt	CalPers Fiscal Svcs Divn	Monthly Unfunded Accrued Liability payment. Cust. ID # 7226734344.	-1,349.42
Liability Check	09/25/2021	Elec Pymt	United States Treasury (US Treasury)	Payroll tax payment for paychecks dated 9/9/21.	-30.60
<b>TOTAL</b>					<b>-75,209.49</b>

## **5. A. Business Items**



## BUSINESS ACTION ITEM STAFF REPORT

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### ITEM 5.A. REVIEW AND APPROVAL OF DRAFT SOLID WASTE RULES AND REGULATIONS TO BECOME A MEMBER AGENCY OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY.

#### Summary:

On March 19, 2021, a LAFCO Certificate of Completion was recorded which officially activated the solid waste latent power to the San Simeon Community Services District (SSCSD). This power would provide the SSCSD with the authority to provide for the collection and disposal of garbage and refuse matter directly with Mission Country Disposal, the franchisee. Solid waste services for the community of San Simeon is currently provided by San Luis Obispo County through a franchise agreement with Mission Country Disposal. The District went through the LAFCO process to establish solid waste power, primarily a move to keep the current franchise fees within the San Simeon community and to have direct communication with the franchisee.

In order to make the transition from the County of San Luis Obispo to the SSCSD for the direct oversight of solid waste services, the Board needs to adopt rules and regulations pertaining to the collection of solid waste within the district. Upon adoption of the rules and regulations, the SSCSD shall be the authorized local agency to provide solid waste services within the District's boundaries. In addition, conditions of LAFCO approval regarding the solid waste power transition required the District to become a member agency of the San Luis Obispo County Integrated Waste Management Authority. Both of these conditions will become effective with the Board's support.

Attached to this staff report are:

- 1) **Draft Version of Solid Waste Rules and Regulations**— The R & R will be incorporated into an Ordinance which will be introduced at the next Board meeting. The Ordinance approving solid waste rules and regulations and membership in IWMA is required to be adopted by the SSCSD Board at a noticed public hearing.



The attached Solid Waste Code establishes some basic rules and regulations to provide services to the community. Joining the SLO IWMA provides the District with the benefit of a regional authority to manage solid waste.

Background:

Policy Implications

The Local Agency Formation Commission (LAFCO) established two conditions for the District to complete before activation of solid waste powers. The first is adoption of rules and regulations for solid waste services. The second is becoming a member agency of the San Luis Obispo County Integrated Waste Management Authority.

Discussion

The attached draft version of the rules and regulations for solid waste service provides basic policy for the community. Each jurisdiction that has solid waste powers (cities, CSDs, County) has a similar set of rules and regulations. Solid waste services for SSCSD are currently managed by the County Code. The attached rules and regulations will provide the District with its own code for solid waste services.

The San Luis Obispo County Integrated Waste Management Authority (IWMA) includes San Luis Obispo County, all cities and all Community Service Districts with solid waste powers. These jurisdictions formed a new agency in 1994 (SLO County IWMA) to plan and implement regional solid waste and hazardous waste programs. These programs have helped its member jurisdictions in achieving the State mandated goal of a 50% reduction in solid waste by the year 2000. The IWMA is a public agency that is governed by a thirteen-member Board that includes all county supervisors, seven city council members and one special district director.

Fiscal Implications

When SSCSD becomes the solid waste authority for the community, the current franchise fee imbedded in each customer's solid waste bill will be paid to the District rather than to San Luis Obispo County. This franchise fee will be paid by customers regardless of whether the SSCSD is the solid waste authority, or the County is. In the August, 12 2020 Board report to authorize the solid waste power application to LAFCO, the annual franchise fees to the District were estimated at \$18,000 per year.

Recommendation:

- Review and comment on the proposed solid waste Rules and Regulations.
- Adopt Resolution approving solid waste Rules and Regulations and membership in the San Luis Obispo County Integrated Waste Management Authority.

Enc: Draft Rules and Regulations

**CHAPTER 6 – SOLID WASTE DEPARTMENT**

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**6.000 - Title and Purpose**

The health, welfare, and safety of the people of the District require that regulations and procedures be established that will provide for the separation, recovery, collection, removal, storage and disposition of solid waste including recyclables, that accumulate within the District. To assure the existence and continuance of a collection and disposal system that will benefit all citizens of the District, it is necessary that regulations and procedures be established as set forth in this Code. The provisions of this chapter are hereby adopted pursuant to the State Public Resources Code Section 40000 et seq.

**6.010 – Scope and Applicability**

The solid waste department’s service area comprises the area within the boundaries of the San Simeon Community Services District. The provisions of this Code shall apply to all owners of premises that purchase solid waste services from the Franchise hauler.

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**6.020 - Penalties: Abatement**

Any person violating these regulations shall be guilty of an infraction which shall be punishable by: (a) a fine not exceeding one hundred dollars for the first violation; (b) a fine not exceeding two hundred dollars for a second violation within one year; (c) a fine not exceeding five hundred dollars for a third violation within one year of the second violation; (d) a fine not exceeding five hundred dollars for each subsequent violation of same ordinance within a year of the third violation. A person shall be guilty of a separate offense for each and every day during a portion of which any violation of these regulations is committed or continued by such person, and shall be punished accordingly.

In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of the regulations of the District shall be deemed to be a public nuisance and may be abated as such.

**6.100 - Definitions**

This section defines the terms and phrases as they are used in this chapter.

Bin. A semi-portable container from one (1) to eight (8) cubic yards capacity with a hinged lid and approved by the District for mechanical handling by the collection trucks.

Curbside (or curb ). An area adjacent to the street and in a location serviceable by Automated Side Loader. In no case greater than 10 feet from the street or curb, nor directly on the traveled portion of any road.

Customer. Any individual, firm, company, partnership, association, organization, corporation, and includes every public agency subject to the provisions of this Code.

Developed Properties. Any real property within the District that is developed with a building or structure, that when used is capable of generating solid waste. Developed properties include but are not limited to residential properties, multi family properties and commercial properties.

District. The San Simeon Community Service District.

Diversion. The act of diverting a portion of the waste stream away from the landfill.

Franchise Agreement. An agreement with a Franchisee as defined in this Code.

Franchisee. The person or entity to whom the District shall have granted an exclusive franchise to collect, receive, carry, haul or transport solid waste, recyclable materials, and green waste materials within the District, and shall include the agents or employees of the Franchisee.

Garbage. Shall mean refuse.

Green waste. That portion of solid waste made up of organic yard and landscape debris including grass clippings, leaves, weeds, brush and branches. Inert materials such as dirt, gravel, rocks, and concrete are specifically excluded.

Hauler. A person, agent or employee of the Franchisee or any person, firm, corporation, or association or the agents or employees thereof licensed by contract or franchise to collect, transport, and dispose of refuse, garbage, rubbish, green waste, recyclable and other solid waste produced within the limits of the District under the terms set out in a contractual or franchise agreement.

Hazardous waste. All substances defined as hazardous waste, acutely hazardous waste, or extremely hazardous waste by the State of California in Health and Safety Code §25110.02, §25115, and §25117 or in future amendments to or recodifications of such statutes and all

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substances identified and listed as Hazardous Waste by the U.S. Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), all future amendments thereto, and all rules and regulations promulgated thereunder. Hazardous waste excludes minimal quantities of waste of a type and amount normally found in residential solid waste after implementation of programs for the safe collection, recycling, treatment and disposal of household hazardous waste in compliance with Sections 41500 and 41802 of the California Public Resources Code, as amended from time to time.

**Recyclable material.** All non-hazardous residential, commercial or industrial materials or by-products which have been approved for collection by the Intergraded Waste Management Board or the hauler and which are set aside, handled, packaged, or offered for collection in a manner different than solid waste, for the purpose of being reused or processed and then returned to the economy in the form of commodities. Recyclable materials include, but are not limited to, newspaper (including inserts, coupons, and store advertisements), mixed paper (including office paper, computer paper, magazines, junk mail, catalogs, brown paper bags, brown paper, paperboard, paper egg cartons, phone books, grocery bags, colored paper, construction paper, envelopes, legal pad backings, shoe boxes, cereal and other similar food boxes); chipboard; corrugated cardboard; paper milk cartons, glass containers (including brown, clear, and green glass bottles and jars); aluminum (including beverage containers, foil, food containers, small pieces of scrap metal); steel, tin or bi-metal cans; plastic containers, aseptic beverage boxes.

**Recycling.** The process of sorting, cleansing, treating, and reconstituting recyclable materials that would otherwise be disposed of at a disposal site and returning them to the economy in the form of raw materials for new, reused or reconstituted products.

**Refuse.** Shall mean Solid Waste, other than Recyclable Material and Green Waste.

**Refuse container.** Term used to describe all containers used for the collection of Solid Waste. Not limited to containing refuse. Examples include waste wheelers, bins, drop-boxes, and roll-off boxes.

**Rubble.** All debris from the construction, demolition, or alteration of buildings; earth, rocks or ashes, brick, mortar, concrete and similar material.

**Roll-off boxes.** Large refuse containers, commonly metal ten (10) to sixty (60) cubic yards, which are delivered and picked up by trucks using winches to load boxes onto rails.

**Solid waste.** All putrescible and non-putrescible solid and semi-solid wastes including garbage, recyclables, rubble, green waste, food waste and any unwanted or discarded materials resulting from domestic, institutional, commercial, industrial, agricultural and community operations and activities, but shall not include special waste or universal waste.

**Special Waste.** All waste which requires special handling including but not limited to flammable waste, liquid waste, sewage sludge, waste from a pollution control process, residue and debris from the cleanup of a spill or release of chemical substances, contaminated soil, residue, debris and articles from the cleanup of a site or facility formerly used for the generation, storage, treatment, reclamation or disposal of any other special wastes, dead animals, manure, waste water, explosive substances, radioactive materials, materials that have been exposed to highly infectious or contagious diseases, hazardous materials, or medical waste.

**Universal Waste.** Any waste matter which the State of California classifies as "universal waste," including but not limited to items and materials listed in 14 CCR 66261.9, as it may be amended, as well as any items listed below not classified by the State of California as "universal waste." Universal Waste includes, but is not limited to, the following:

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- E-Waste. Batteries (except automobile batteries), thermostats, cathode ray tubes, aerosol cans, lamps with fluorescent tubes, high intensity discharge lamps, sodium vapor lamps, and other lamps with hazardous waste characteristics, mercury-containing items including light switches, pressure gauges, and thermometers.
- Appliances, devices, and other objects containing electronic components, including (but not limited to) computers, computer monitors, cellular telephones, copiers, fax machines, DVD players, VCR's, and televisions.
- Prescription and non-prescription drugs, not including controlled substances

Waste wheeler. A covered plastic container provided by Franchisee, varying in size and capacity equipped with wheels or casters. Such containers may be used for collection, storage and removal of solid waste.

**6.200 - Illegal Collection**

It shall be a violation of this Code for any person not authorized by the District to collect or pick up or cause to be picked up any solid waste, including recyclables, except that any person may take their own solid waste to the landfill and their own recyclables to a recycling facility or may authorize a non-profit entity to do so on their behalf.

**6.300 - Classes of Service**

All solid waste services will be classified as follows:

- A. Curbside/residential.
- B. Commercial / bin.

**6.310 – Service Level**

The solid waste service level is controlled by the Franchise Agreement between the District and the hauler. The terms of the Franchise Agreement control the level of service. The minimum service level for all owners of premises that purchase solid waste services from the Franchise hauler is:

- A. Curbside Customers:
  - (1) Garbage. Weekly service of one (1) waste wheeler. Waste wheelers are available in small, standard, and large capacities of approximately 32, 64, and 96 gallons, respectively.
  - (2) Recycling. Weekly service of one standard-size waste wheeler container of recyclables. The recyclable collection shall include materials as defined in section 6.100.
- B. Green Waste: Weekly service of one standard-size waste wheeler container of green waste. The green waste collection shall include materials as defined in section 6.100.
- B. Commercial/Bin Customers:
  - (1) Garbage. Size of bins and frequency of service shall be determined by the customer and the hauler, but in no case be less the weekly.
  - (2) Recyclables and/or green waste service shall be provided to all bin customers as appropriate for the waste stream generated by each bin customer.

**6.320 – Charges for Service**

Rates and charges for refuse collection and disposal services are established upon transfer of the Solid Waste service from San Luis Obispo County and shall be amended from time to time pursuant to the terms of the Franchise Agreement between the District and the hauler. District property owners, residents, occupants and businesses desiring refuse collection and disposal services must make service and billing arrangements directly with the hauler.

**6.330 – Collection of Delinquent Fees and Charges**

Franchisee shall be responsible for collection of delinquent accounts as outlined in this Section.

**6.340 - Time of Collection**

Collection of curbside residential waste may occur only between the hours of six a.m. and six p.m., Monday through Saturday, including holidays. Collection of bin waste may occur only between the hours of six a.m. and six p.m. any day of the week, including holidays.

**6.400 – Diversion**

California State Law, Sections 41780 et seq. of the Public Resources Code requires cities, counties, and districts to divert 50% of all solid waste away from landfills through source reduction, recycling, and composting activities. The District fulfills this by recycling certain materials and composting green waste. The diversion program maintains the policy of mandated service for curbside customers with separate waste wheeler containers for garbage, recyclables and green waste.

**6.410 – Separation of Recyclables and Green Waste**

Recyclables and green waste from all residences, inclusive of multi-family dwellings, shall be kept separate from other solid waste, either delivered to a recycling facility or placed at the curbside or designated area, as defined in this Code. Recyclables and green waste placed at the curbside or street shall be placed in designated recyclable or greenwaste waste wheeler containers for collection on collection day.

Businesses, industries and institutions located within the District shall separate recyclables and green waste from all other solid waste in accordance with this Code and shall have clearly marked containers designated for the collection and pick-up of recyclables and green waste.

**6.500 - Storage of Putrescible Solid Waste**

No person shall fail or neglect to provide and maintain a standard waste wheeler container for receiving and holding, without leakage or escape of odors, all putrescible solid waste which is produced, created, or accumulated upon premises occupied or maintained by that person and all such persons shall deposit all such putrescible solid waste in such a standard container. For sanitary purposes, putrescible solid waste shall be bagged or wrapped so as to prevent leakage and odors when placed in waste wheeler containers or other approved receptacle.

**6.510 – Accumulation of Solid Waste**

No person shall keep, accumulate or permit to be kept or accumulated any solid waste upon any lot or parcel of land, or on upon any public or private place, street, lane, alley or drive, unless the same shall be in a standard container (as defined in Section 6.700) or other approved receptacle and even then for no more than one (1) month.

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**6.520 - Illegal Dumping**

All solid waste must be separated, collected and disposed of as outlined in this Code and as follows.

- A. It shall be unlawful for any person to deposit, dump or leave solid waste on private property or in any privately owned or maintained disposal container other than their own, without the consent of the owner.
- B. It shall be unlawful to dispose of any solid waste on one's own property, except for yard and food waste which may be composted for use as a soil amendment. All solid waste, except for yard and food waste which will be composted for soil amendment, shall be deposited in a waste container designated for collection and disposal as outlined in this ordinance and the regulations adopted by the District.
- C. It shall be unlawful to deposit, dump or leave any solid waste of any kind on land or easements of the public, including but not limited to parks, highways or other municipally or state owned lands, except in designated disposal containers. Further, it shall be unlawful to deposit in a municipally owned or maintained disposal container any solid waste other than that created or originated in any public buildings/grounds/highways or on the person of anyone using said public buildings/grounds/highways.
- D. Any and all of the above actions shall constitute a violation of this ordinance and are punishable by the penalties set forth herein.

**6.600 – Preparation and Collection**

For the convenience of the public, the protection of the hauler and efficient handling, all owners of premises that purchase solid waste services from the Franchise hauler shall place all refuse in waste wheeler containers or bins unless otherwise provided for in this Code. Each bag, box or bundle will be counted as one standard container. It shall be kept free of all liquids and further prepared in the following manner:

- A. Garbage is to be wrapped with paper or plastic bag and placed in either a standard waste wheeler container or bins with lids maintained in the closed position.
- B. Animal or Human excrement and all types of disposable diapers must be wrapped securely in paper, plastic bag or placed in a covered box.
- C. Shrubbery and brush trimmings with branches not over six (6") inches in diameter shall be cut to a length suitable to be placed in a greenwaste container with lids able to fully close.
- D. Household ashes must be thoroughly cold before being sealed into a disposable container or bag and placed in the garbage refuse container for disposal.

**6.610 – Spilled Solid Waste**

It shall be the responsibility of the person occupying or maintaining the property upon which any solid waste is spilled or scattered from any refuse container set out for collection that breaks, is blown over, or damaged by animals, etc. to pick up all such garbage and refuse and provide sanitary and adequate storage until collection can be made.

**6.700 - Waste Wheeler Containers**

Each owner, tenant, occupant or person in charge of a building, structure or other developed property in the District that purchase solid waste services from the Franchise hauler shall maintain a sufficient number of clean waste wheeler containers to hold all solid waste created, generated, provided, or accumulated on the subject lot or premises. Any person discarding solid waste in the District shall discard the solid waste in a refuse container. The District's Franchisee shall supply each single family dwelling unit with a small, standard, or large waste wheeler container for garbage. In addition, each single family dwelling unit will receive from Franchisee a standard-size waste wheeler container for all commingled recyclable materials except green waste and a

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standard-size waste wheeler container for green waste. If requested by customer, Franchisee shall provide to the customer either a small or large green waste wheeler container instead of a standard-size waste wheeler container.

Heavy duty plastic bags may be used during special community clean-up days or at other times as approved by the District for solid waste disposal but shall not exceed a gross weight of thirty pounds. Plastic bags shall not be filled with sharp objects which might injure or otherwise harm the solid waste collector when transferring same to the refuse truck for collection.

**6.710 - Waste Wheeler Container Maintenance**

All waste wheelers shall be owned and maintained by the Franchisee. It shall be unlawful and a violation of this Code for any owner, tenant, occupant or person in charge of a developed property to negligently damage any waste wheeler. When not being filled or emptied, all waste wheeler containers shall be kept tightly closed, and it is unlawful for any person not authorized to do so, to open such containers to collect or to scatter the refuse stored therein.

**6.720 - Waste Wheeler Container Replacement and Repair**

Any waste wheeler that is damaged due to normal use shall be repaired or replaced at Franchisee's sole discretion at no charge to the customer after notice of the damaged container from the waste customer.

**6.730 - Unreturned Waste Wheeler Containers**

All waste wheelers are owned and maintained by the Franchisee and are considered solid waste disposal equipment of the Franchisee. Only the Franchisee is authorized to remove waste wheelers from properties. It shall be unlawful and a violation of this Code for any owner, tenant, occupant or person in charge of a developed property to remove any waste wheeler container from the property. The owner of a property shall be held solely responsible for any waste wheeler containers that are not returned to the Franchisee at the time of the property ownership transfer or change in residents of a rental property. The owner of developed property shall be responsible and liable for paying the cost of unreturned waste wheeler containers.

**6.740 - Removal of Non-Standard Container**

Containers other than standard waste wheeler containers as defined in this Code will be removed with their contents at the time of collection unless prominently labeled "Do Not Take" in large letters.

**6.750 - Tampering and Unauthorized Use of Waste Wheeler Containers**

No person, other than the owner or authorized user of any waste wheeler container, or his agents, employee, tenants, guests or invitees, the hauler or other agents authorized by the District, shall use or discard solid waste into any refuse container in the District, tamper or meddle with any refuse container or the contents of any refuse container in the District, or remove or take any contents (including but not limited to recyclable materials) from any refuse container in the District.

**6.800 - Interruptions in Service**

The District shall not be liable for damage which may result from any interruption in solid waste service. The District shall not be liable for interruption, or insufficiency, or for any loss or damage occasioned thereby if caused by accident, acts of God, fire, strikes, riots, war or any other cause not within its control.



## **5. B. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 5.B. AUTHORIZATION TO RESCHEDULE REGULAR MONTHLY BOARD MEETINGS.**

#### Summary:

This item was placed on the agenda at the request of Chairperson Kellas. It has been suggested that moving the Board meetings to a day that is earlier in the week would allow GES staff additional time to follow up on items after the Board meeting. One of the Directors has a scheduling conflict on Wednesdays. The Chairperson is also looking for feedback about the current meeting start time.

#### Possible Options Discussion:

- 1) The Board may direct the meetings be moved to a different day.
- 2) The Board may direct to change the meeting start time from 5 pm.
- 3) The Board may direct that the meetings remain on Thursdays.

## **5. C. Business Items**



## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 5.C. REVIEW AND RATIFICATION OF PROPOSAL FOR SURVEYING SERVICES WITH MBS LAND SURVEYS NOT TO EXCEED THE AMOUNT OF \$7,000.00.**

#### Summary:

On August 30, 2021 GES staff asked the Chairperson to execute a proposal for surveying services with MBS Land Surveys. After a discussion with District Counsel and further review of the Policy & Procedures manual it has been determined that based on the amount of the service being provided, Board approval is needed to move forward with this scope of work. The survey is needed to resolve the alleged encroachment on Hearst Property.

#### Recommendation:

GES Staff contacted two vendors, one of which chose not to provide a quote. Wallace Group a third vendor has already performed a survey at the direction of the Hearst Corporation. Attached is a proposal for surveying services from MBS Land Surveys.

#### Possible Outcomes:

- 1) The Board can authorize the work.
- 2) The Board can choose not to authorize the work.

Enc: Proposal from MBS Land Surveys for Surveying Services dated August 27, 2021



Michael B Stanton, PLS 5702  
3559 S. Higuera Street  
San Luis Obispo, CA 93401

[Mike@mbslandsurveys.com](mailto:Mike@mbslandsurveys.com)

Msg: 805.594.1960  
Cell: 805.440.4215  
Fax: 805.594.1966

August 27, 2021

Charlie Grace  
**San Simeon CSD**  
111 Pico Avenue  
San Simeon, CA 93452

805-431-6253

[cgrace@graceenviro.com](mailto:cgrace@graceenviro.com)

**RE: Proposal for Surveying Services – 111 Pico Avenue, San Simeon**  
APN: 013-041-005

Dear Charlie:

Per your request, we are providing you with this proposal for surveying services for the CSD facilities at 111 Pico Avenue in San Simeon. It is our understanding that you need a boundary survey performed and a determination if any encroachments exist along the property line. I've recently had a discussion with Kevin Irot of First American Title company regarding this situation and I am somewhat familiar with it. I also performed a survey for Ron Hurlbut in 2018 for the property southeast of Pico Avenue. We can perform the following services:

**A. Chain of Title Research**

This will include a review of deeds and documents that have already been researched by First American Title Company. Once these documents have been reviewed, a spreadsheet will be prepared showing the conveyances up to the current ownership.

**Fee not to exceed: \$1000**

Client responsibilities:

*Provide current title report for the CSD property APN 013-041-005*

*Provide all back up deeds and documents that were provided to the CSD by First American Title.*

**B. Boundary Survey/ Set Property Monuments**

This will include record research into deeds and maps affecting the title to the property APN 013-041-005, a retracement survey to recover monuments in the field, office calculations to determine the boundaries based on found monuments and setting property corner monuments, consisting of 5/8" rebar with cap bearing the license number "LS5702". After the survey is completed, a Record of Survey map will be prepared for submittal to the County of San Luis Obispo as required by state law. During the course of performing the boundary survey we will locate and document any encroachments we find and show them on the Record of Survey map.

**Estimated Fee Range: \$2800-\$3500**

Reimbursable expenses (paid to agency by MBS on behalf of the client):

*1) County of S.L.O. checking, recording, and SB-2 fees (\$374)*

Charlie Grace - 111 Pico Avenue, San Simeon  
August 27, 2021  
Page 2

Client responsibilities:

*Provide copy of the report by Wallace Group that was prepared for Hearst Ranch regarding the possible encroachment.*

*Provide copy of all construction drawings for the construction of the facilities.*

**C. Encroachment Survey**

Once our boundary survey is completed, this task will include measuring any encroachments of buildings, fences, or utilities over the property line. A map will be prepared showing the encroachments and distances to the property line. If any encroachments are found, a recommendation will be made as to possible resolution for the encroaching improvements.

**Estimated Fee Range: \$1800-2400**

**Terms and Conditions:**

This proposal hereby incorporates MBS Land Surveys "General Provisions, Terms and Conditions" attached hereto and made a part hereof. If you would like us to proceed, sign below and return a copy to us via scan, fax or mail.

Sincerely,

Authorized to proceed:



Michael B. Stanton, PLS 5702

\_\_\_\_\_  
**San Simeon CSD**

\_\_\_\_\_  
Date



### General Provisions, Terms and Conditions

- 1. **Billing:** If the proposal was quoted with estimated fees, you will be billed as the work progresses on a time and materials basis. The amount billed may be more or less than the estimated fees. We will keep you informed of our progress and will inform you if our services will exceed the scope and/or fee estimate limits. If the proposal was quoted with a fixed fee, you will be billed the fixed fee upon completion of the work. Requests that require overtime pay will be billed at 1.5 times the standard rate. Rates will be doubled for Expert Witness Services, Depositions or Trial Testimony. Rates may increase each year on January 1<sup>st</sup>.

Office Rates:

Permit Coordinator/Administration	\$95.00 per hour
Survey Technician I	\$95.00 per hour
Survey Technician II	\$120.00 per hour
Survey Technician III (LSIT)	\$145.00 per hour
Land Surveyor (PLS)	\$150.00 per hour
Survey Manager (PLS)	\$160.00 per hour
Expert Witness (PLS)	\$290.00 per hour

Standard Field Rates:

1-Person Field Crew	\$170.00 per hour
2-Person Field Crew	\$205.00 per hour

Field Prevailing Wage Rates: (Public Works Projects)

1-Person Field Crew	\$205.00 per hour
2-Person Field Crew	\$280.00 per hour

- 2. **Agency Fees:** All agency fees will be paid for by the client. Fees for submittal and checking of lot line adjustments, parcel and tract maps and other documents will be set according to current agency fee schedules.
- 3. **Records of Survey:** Client acknowledges and agrees that if Consultant provides surveying services, which require the filing of a Record of Survey in accordance with Business and Professions Code Section 8762, all costs of preparation, examination and filing of such Record of Survey will be paid for by Client as extra services.
- 4. **Completion of Work:** When the services rendered require the submittal of any maps or documents by the Surveyor to a governmental agency, it is agreed that the payment of fees due for services shall not be contingent upon the final approval by the agency of said maps and documents. It is agreed that the first submittal of said maps or documents to the agency shall constitute the completion of that portion of work. Agency or client-initiated changes after the first submittal to the agency will be billed on an hourly basis at the rates quoted above.
- 5. **Schedule:** The work will be scheduled after we receive the signed contract. We estimate our initial work project will be delivered within 30 work days of receiving this signed contract. Factors such as weather, staffing shortage, workload, equipment malfunctions, etc., may cause delay in product delivery.
- 6. **Terms of Payment:** All fees will be billed to the client at the completion of work or for long term projects, as the work progresses, and shall be due and payable within 30 days of the invoice date, with interest charged at 1.5% per month for past due invoices. Invoices will be sent via e-mail or by mail if no e-mail address is available. Invoices over 60 days past due will be referred to a collection agency and all remaining or ongoing survey work will stop. Sub-consultants and reimbursable items will be charged at cost plus 15%.
- 7. **Release and Delivery of Electronic Files:** AutoCAD files will be released only after full payment is received. Files will be delivered in Civil3D 2019 format. An additional charge of \$50 may be charged for converting the AutoCAD Civil3D 2019 drawing to other (e.g. older) drawing or drawing formats.
- 8. **Work Product:** Our product of service is the signed and sealed original hardcopy drawing.
- 9. **AutoCAD drawings:** Electronic data may be provided as a courtesy to the client. The user of this information hereby understands that the delivery of this electronic media does not constitute the delivery of our professional work product. MBS Land Surveys will not be responsible for any modifications made to the electronic file, or any products derived from this file, which are not signed and sealed by MBS Land Surveys. The user of the digital data agrees to hold harmless, indemnify, and defend MBS Land Surveys from and against any and all claims arising from the use or misuse of the electronic information provided herein.
- 10. **Extra Services:** Extra services will be handled on an hourly basis after your written or verbal authorization.
- 11. **Term of Proposal:** The fees and terms delineated in this contract are valid if the contract is executed within sixty (90) days of the date it was signed by the Surveyor.
- 12. **Termination of Contract:** Either party, with verbal or written notice, can terminate this contract.

## **5. D. Business Items**





## **BUSINESS ACTION ITEM STAFF REPORT**

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### **ITEM 5.D. DIRECTION TO STAFF REGARDING CUSTOMER'S REQUESTS FOR CREDIT ON UTILITY BILLS.**

Summary:

This item was placed on the agenda at the request of the utility customers. Two customers are requesting credits to their utility accounts. These requests are attached to this report. GES Staff is looking to the Board to provide direction regarding this matter. After a preliminary investigation it has been determined that the bills are not a result of a water leak or a malfunctioning water meter.

Enc: Request from - 9148 Balboa Avenue - \$3250.09  
9229 Balboa Avenue - \$ 856.80

RE: Proposed Waiver of Charges, Account #194

Jerry M - RPM [REDACTED]

Mon 6/28/2021 3:27 PM

To: San Simeon CSD <admin@sansimeoncsd.org>

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

RE: Proposed Waiver of Charges, Account [REDACTED]

We are requesting a waiver of charges regarding the water bill for the Casa Del Playa Homeowners Association, 9229 Balboa Ave, San Simeon, CA 93452.

We have documented evidence there have been no leaks at the above-stated address and we are requesting a waiver of charges and credit of good faith monies sent heretofore.

We first noticed an increase in our water bill and contacted you immediately, at which time you sent someone to our property to check for leaks and none were found. In a previous similar situation with SSCSD, we were notified by you when our water bill increased and worked with you to mitigate the situation in a timely manner. It appears this time we were not notified from you, we notified you first. We are asking for some form of credit towards this bill

Sincerely,  
Casa Del Playa Homeowners Association  
C/O Jerry McLaughlin  
Real Property Management Central Coast

[REDACTED]

[REDACTED]

[REDACTED] Web site

[REDACTED]

[REDACTED]

[REDACTED]

This e-mail is proprietary and intended solely for the use to whom they are addressed.

July 9, 2021

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

To: Courtney Murguia, SSCSD Board, Billing Department

Regarding: 9148 Balboa Avenue, San Simeon, CA/Account [REDACTED] Joyce & Tony Orefice

This letter is in regard to the above address & the Billing Statements received 5/26/2021 & 6/26/2021. Both these statements are not correct.

This property has been vacant & not occupied during the above billing statements. Water & sewer bills from the start of the Vacant Property were \$38.03, in 2020, with the continued monthly charge of 38.03 starting Jan. 2021. My husband & I have been to the property multiple times per months while vacant to check on the property, and never did we find any toilets, faucets, or running water issues. Upon receiving the May statement, I contacted & spoke with Courtney Murguia and contacted our property manager Stephanie Rowles to please address & resolve the May statement from the SSCSD because it was incorrect. Stephanie had a plumber to the property to check for water leaks & he did not find leaks, and Stephanie spoke with Cortney Murguia, regarding the May 26, 2021 statement.

Enclosed please find a check in the amount of \$38.03 for the billing statement service dated 4/27/2021 through 5/26/2021. This is the amount we have been paying since the service was put into our name. I am requesting that this error please be corrected by crediting the amount of \$856.80, closing our account #465, as the property has now been rented. These billing statements have been a very stressful experience for my husband and I for the last several months. The property has been vacant during the billing periods as stated above. I believe there has been some kind of an error, possibly due to the water meter, water meter reading device, a mixed calculation with account numbers versus meter numbers that has caused this incorrect high billing amount.

With this letter is a copy of the SSCSD letter dated Jan. 6, 2021. Upon receiving this letter, at the Balboa property, not our home address, I called Courtney Murguia on Jan. 14, 2021 to give her our correct home address in [REDACTED] for billing. The \$50 deposit amount was waived by Courtney. Also enclosed are copies of Billing Statements we have been paying & a copy of the new tenants, [REDACTED], Billing Statement they received for services from 5/26/2021 - 6/24/2021, Acct. [REDACTED]. Please review their statement.

Thank You for your assistance on the above matter & I look forward to a quick conclusion. My contact number is [REDACTED] E-mail address [REDACTED]


Sincerely,



Joyce Orefice

RECEIVED

JUL 12 2021

BY: 

CC: Stephanie Rowles