

MEETING MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR BOARD MEETING
Tuesday, February 8, 2022
5:00 pm

Pursuant to San Simeon CSD Resolution 22-439 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

1. REGULAR SESSION @ 5:01 PM -

A. Chairperson Kellas – Present

Vice-Chairperson Giacoletti – Present

Director de la Rosa – Present

Director Donahue – Present

Director Reinstein - Absent

B. Report from 4:00 PM Closed Session – Letters will be sent to the complainants.

(1:38) Director Donahue stated that he had not attended the closed session discussion regarding the Ron Hurlbert matter.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment –

None

3. SPECIAL PRESENTATIONS AND REPORTS:

A. STAFF REPORTS:

i. Sheriff’s Report – (2:20) Commander MacDonald provided the report for January. Directors de la Rosa and Donahue had a discussion with the Commander related to his report.

Public Comment –

(10:30) Henry Krzciuk commented.

ii. CHP Report – None.

iii. Superintendent’s Report – (12:48) Jerry Copeland provided a summary of January activities.

iv. General Manager’s Report – (13:50) Charlie Grace provided a summary of January activities.

v. District Financial Summary – (16:55) Charlie Grace provided a summary of the January financials.

vi. District Counsel’s Report – (19:25) Jeffrey Minnerly provided a summary of January activities.

vii. Board Member Report – None.

(20:25) Director Donahue inquired about the Hearst Encroachment. Vice-Chairperson Giacoletti commented on the District financials.

4. CONSENT AGENDA ITEMS:

A. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR MEETING ON JANUARY 11, 2022.

- B. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON JANUARY 11, 2022.**
- C. REVIEW AND APPROVAL OF MINUTES FOR THE 5PM SPECIAL MEETING ON JANUARY 31, 2022.**
- D. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**
- E. ADOPTION OF RESOLUTION 22-441 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**

(26:30) Director Donahue and Jeff Minnery discussed Resolution 22-441.

Public Comment on Items #3 and #4 – None.

(27:25) Chairperson Kellas called for Julie Tacker to speak.

(28:12) A motion was made to approve items A-E of the consent agenda.

Motion: Chairperson Kellas

2nd: Vice-Chairperson Giacoletti

Vote: 4/0

Absent: 1 - Reinstein

Roll Call: Kellas: Yes

Giacoletti: Yes

de la Rosa: Yes

Donahue: Yes

5. PUBLIC HEARING:

A. CONSIDERATION OF INPUT FROM THE COMMUNITY REGARDING THE VOTING AREAS SCENARIOS FOR A DISTRICT BASED ELECTION SYSTEM. (29:35)

(31:10) Josh Chism from Cooperative Strategies was present and provided a presentation on redistricting.

(44:15) Director Donahue, Director de la Rosa, and Chairperson Kellas further discussed redistricting. Additionally, there was discussion about certain members of the public and that they might not have access to the internet and or Zoom.

Public Comment –

(52:30) Julie Tacker commented.

(55:00) Henry Krzciuk commented.

(57:30) Karina Tiwana commented.

6. BUSINESS ACTION ITEMS:

A. PRESENTATION FROM AKEL ENGINEERING TO DISCUSS AND REVIEW THE PROCESS FOR THE URBAN WATER MANAGEMENT PLAN. (1:01:50)

Tony Akel presented preliminary data related to the Urban Water Management Plan.

(1:22:23) Board members discussed data from the presentation.

Public Comment –

(1:26:54) Jeffrey Stulberg commented.

(1:29:00) Julie Tacker commented.

(1:31:18) Henry Krzciuk commented.
(1:34:18) Karina Tiwana commented.

(1:37:03) Director Donahue commented on the sequencing of the water waitlist. Vice-Chairperson Giacoletti clarified that this report was still in draft form.

ITEM 5B PUBLIC HEARING (continued):

B. SECOND READING AND ADOPTION OF ORDINANCE NO. 122 OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT REGARDING PARKING REGULATIONS. (1:39:35)

Charlie Grace introduced the item.

(1:41:08) The Board had no comments.

Public Comment –

(1:41:23) Henry Krzciuk commented.
(1:43:55) Karina Tiwana commented.
(1:46:00) Mike Hanchett commented.

(1:48:00) Chairperson Kellas, Vice-Chairperson Giacoletti, Director Donahue, and Jeff Minnery discussed the difficulty in enforcing the camping component of any ordinance.

(1:51:08) A motion was made to approve Ordinance No. 122. (Donahue)

(1:52:00) Director de la Rosa stated that a separate Ordinance to address the camping/homeless issue was needed.

(1:54:38) A motion was made to approve Ordinance No. 122 as presented.

Motion: Chairperson Kellas
2nd: Director Donahue
Vote: 4/0
Absent: 1 - Reinstein

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

(1:55:45) The motion was clarified to approve Ordinance No. 122 and that staff take into consideration signs that would be appropriate for the community.

Motion: Chairperson Kellas
2nd: Director Donahue
Vote: 4/0
Absent: 1 - Reinstein

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

6. BUSINESS ACTION ITEMS:

B. DISCUSSION, REVIEW AND APPROVAL OF A CONTRACT WITH MOSS, LEVY & HARTZHEIM, LLP TO PERFORM AUDITING SERVICES FOR FISCAL YEARS 2021/2022, 2022/2023 AND 2023/2024. (1:56:55)

Charlie Grace introduced the item.

Public Comment –

(2:00:44) Henry Krzciuk commented.

(2:02:40) Chairperson Kellas called on Julie Tacker. Ms. Tacker experienced technical difficulties.

(2:03:37) Karina Tiwana commented.

(2:04:05) Julie Tacker commented.

(2:09:30) Charlie Grace provided information related to the current procedural process of switching auditors.

(2:10:05) A motion was made to approve a 3 year contract with Moss, Levy, Hartzheim, LLP.

Motion: Chairperson Kellas

2nd: Vice-Chairperson Giacoletti

Vote: 4/0

Absent: 1 - Reinstein

Roll Call: Kellas: Yes

Giacoletti: Yes

de la Rosa: Yes

Donahue: Yes

C. DISCUSSION, REVIEW AND APPROVAL OF STANDING COMMITTEE MEMBERS PURSUANT TO DISTRICT POLICY 13.01. (2:11:18)

Chairperson Kellas introduced the item. She listed the revisions to the committees as:

Water Committee – Daniel de la Rosa, Michael Hanchett, Albert Barreto, Chuck Grash

Budget Committee – Michael Hanchett, Luz Hernandez, Miguel Sandoval

(2:12:45) Director Donahue, Vice-Chairperson Giacoletti, and Chairperson Kellas discussed the revisions.

Public Comment –

(2:14:32) Julie Tacker commented.

(2:17:05) Henry Krzciuk commented.

(2:20:22) Director Donahue and Jeffrey Minnery discussed corporation officers being allowed on the committees.

(2:22:04) A motion was made to appoint the following persons:

Water Committee – Daniel de la Rosa, Michael Hanchett, Albert Barreto, Chuck Grash

Budget Committee – Michael Hanchett, Luz Hernandez, Miguel Sandoval

Motion: Chairperson Kellas

2nd: Vice-Chairperson Giacoletti

Vote: 3/1

Absent: 1 - Reinstein

Roll Call: Kellas: Yes

Giacoletti: Yes

de la Rosa: Yes

Donahue: No

D. DISCUSSION, REVIEW AND APPROVAL OF PROPOSED EDITS TO THE POLICY AND PROCEDURES MANUAL. (2:22:56)

(2:23:07) Charlie Grace stated that the proposed changes may possibly affect the General Manager's spending limit and to avoid the perception of impropriety he was recusing himself. He left the meeting.

Chairperson Kellas introduced the item. She reviewed the proposed changes on each page further addressing each of Julie Tacker's concerns about the proposed changes.

(2:25:20) The Board will begin review the monthly stipend amount on an annual basis. Page 3 Section 2.05.

Page 5 Section 6.01 related to the time. The Board members reached a consensus to implement the change.

Page 5 Section 6.03 addition of "audio recorded". The Board members reached a consensus to implement the change.

(2:29:30) Page 6 Section 7.03 related to "or designee" was approved.

Page 7 Section 7.06. later in the meeting Jeff Minnery suggested removal of this proposed edit. The Board members reached a consensus to implement the change proposed by Jeff Minnery.

Page 7 Section 8.01 addition of "or designee" was approved.

Page 8 Section 8.04 removal of the word request in "California Public Records Request Act". Page 10 12.01 verify language consistency in California Public Records Act.

(2:32:59) Chairperson Kellas directed District Counsel to create a policy for handling of record requests.

(2:34:08) Page 11 and 12 Section 14.01 addition of reason, recuse, and meeting.

(2:36:00) There was conversation related to section 19.03 and the proposed edits to the policy language. Director Donahue suggested that proposed changes gave an over-reaching amount of power to the Chairperson. He commented that perhaps a change in the language of Charlie's GES contract might be a better solution. Vice-Chairperson Giacoletti stated that she agreed with Director Donahue's comments.

(2:46:05) Page 29 the formatting change was approved.

(2:46:23) Page 31 Section 5 the addition of the language "and a Board Member" was approved.

(2:47:05) Page 46 Section 21.02 addition of language was approved.

(2:48:30) Jeff Minnery asked that on Page 7 Section 7.06 that the proposed language be removed. The Board agreed to the removal of this language.

Public Comment –

(2:49:55) Henry Krzciuk commented.

(2:52:40) Julie Tacker commented.

(2:57:54) Director Donahue stated that he was extremely uncomfortable with Jeff Minnery's legal advice about Section 19.03 and would like to seek different legal advise about this matter.

(2:59:10) A motion to accept all changes as discussed except for page 28 Item C.

Motion: Chairperson Kellas

2nd: Vice-Chairperson Giacoletti

Vote: 4/0

Absent: 1 - Reinstein

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

E. DISCUSSION, REVIEW AND APPROVAL OF THE 2022 LIST OF GOALS AND PRIORITIES FOR THE SAN SIMEON COMMUNITY SERVICES DISTRICT. (3:00:00)

Chairperson Kellas introduced the item. Vice-Chairperson Giacoletti inquired about the planting of trees within the community.

Public Comment –

(3:02:50) Henry Krzciuk commented.

(3:05:15) Julie Tacker commented.

*It was noted by Chairperson Kellas that Charlie Grace had rejoined the meeting.

(3:06:03) A motion was made to approve the list of goals and priorities.

Director Donahue commented that he would like to add an RFP for general manager services, grant writing services, and that he seconded the Vice-Chairperson's idea regarding the planting of trees. Additionally, he mentioned an doing an RFP for legal services.

(3:08:45) A motion was made to accept the list as is along with the list with the RFP's that were currently in progress or being looked at.

Motion: Chairperson Kellas

2nd: Director de la Rosa

Vote: 4/0

Absent: 1 - Reinstein

Roll Call: Kellas: Yes

Giacoletti: Yes

de la Rosa: Yes

Donahue: Yes

F. DISCUSSION, REVIEW AND DIRECTION TO STAFF REGARDING EMERGENCY REPAIRS TO THE PICO AVENUE STAIRCASE BEACH ACCESS. (3:09:20)

Chairperson Kellas introduced the item. There was discussion related to the permitting process. Director Donahue commented that he had spoken with Jeff Oliveira who suggested that a structural analysis be completed first. There was further discussion related to erosion.

Public Comment –

(3:15:30) Henry Krzciuk commented.

(3:17:38) Julie Tacker commented.

(3:20:25) A motion was made to direct staff to find a structural engineer to review and provide a report of the repairs required of the Pico Avenue Stairs beach access. (based on the report Jeff Oliveira would be assigned to handle the permitting)

Vice-Chairperson Giacoletti commented that she agreed with Ms. Tacker's comments. She went on to further state that the natural erosion that the Coastal Commission is adverse to regarding armoring should be taken into consideration.

(3:22:11) Director Donahue made a motion that we immediately grind down the uneven cement and repaint the handicap areas blue. Chairperson Kellas pointed out that this was not on the agenda.

(3:22:57) Chairperson Kellas repeated her motion: Direct staff to find a structural engineer to come out and create a report of the needed repairs and based on the report Jeff O could start the permitting process.

(3:23:13) Director de la Rosa commented about the sidewalk repairs asking if these repairs were not a direct result of the erosion of the stairs. Charlie Grace responded that the structural engineer would need to look at all aspects.

Motion: Chairperson Kellas

2nd: Director Donahue

Vote: 4/0

Absent: 1 - Reinstein

Roll Call: Kellas: Yes

Giacoletti: Yes

de la Rosa: Yes

Donahue: Yes

7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS – (3:26:15)

Vice-Chairperson Giacoletti asked that a discussion related to planting of trees be added to the agenda. Director Donahue asked that an RFP for legal counsel, general manager services, and sidewalk repair be added to the agenda.

8. ADJOURNMENT @ 8:34 PM