

# Board of Directors San Simeon Community Services District



## SPECIAL BOARD MEETING PACKET

April 25, 2023

Meeting Start Time 5:30 pm

This meeting shall occur In Person and Via Zoom.

Prepared by:



**GRACE**  
ENVIRONMENTAL SERVICES

**AGENDA**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS SPECIAL BOARD MEETING**  
**1000 MAIN STREET**  
**CAMBRIA, CA 93428**  
**Tuesday, April 25, 2023**  
**5:30 pm**

**This meeting shall occur In Person and Via Zoom.**

**Join Zoom for Regular Board Session:**  
<https://us02web.zoom.us/j/9270537206>

**Meeting ID: 927 053 7206**

**Or One tap mobile:**  
**US: +16699009128, 9270537206#**

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

The following commands can be entered via DTMF tones using your **phone's** dial pad while in a **Zoom meeting**: \*6 - Toggle mute/unmute. \*9 - **Raise hand**.

**Webinar ID: 927 053 7206**

**NOTE:** On the day of the meeting, the virtual meeting room will be open 30 minutes prior to the meeting start time. If you wish to submit public comment in the written format you can email [admin@sansimeoncsd.org](mailto:admin@sansimeoncsd.org). Members of the public can also contact the District office at (805) 927-4778 with any questions or concerns related to this agenda or accessing the meeting.

**1. REGULAR SESSION:**

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.

**Public Comment** – This public comment period provides an opportunity for members of the public to address the Board on matters discussed during Special Presentations and Reports. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes or less with additional time at the discretion of the Chair.

### **3. 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 Consent Agenda Items. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes or less with additional time at the discretion of the Chair.

- A. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL BOARD MEETING ON FEBRUARY 28, 2023.**
- B. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR BOARD MEETING ON MARCH 14, 2023.**
- C. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL BOARD MEETING ON MARCH 28, 2023.**
- D. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**

### **4. 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 Chairperson. If a member of the public wishes to speak at this time, Public Comment is limited to three (3) minutes or less per person for each business item, with additional time at the discretion of the Chair.

- A. DISCUSS AND PROVIDE DIRECTION ON SELECTION OF A BOARD REPRESENTATIVE TO ENGAGE IN DISCUSSIONS WITH CAMBRIA COMMUNITY SERVICES DISTRICT REGARDING MUTUAL AID.**
- B. DIRECTION TO STAFF REGARDING THE PROCUREMENT OF A BOOKKEEPER FOR THE DISTRICT.**
- C. DISCUSS BOARD MEMBER RESIGNATIONS AND PROVIDE STAFF DIRECTION ON POSTING A NOTICE OF VACANCY TO FILL THE VACANT POSITIONS.**
- D. DISCUSS AND PROVIDE DIRECTION TO STAFF CONCERNING MAY AND JUNE BOARD MEETINGS.**
- E. DISCUSS AND ELECT CHAIRPERSON AND VICE-CHAIRPERSON FOR THE REMAINDER OF THE 2023 CALENDAR YEAR.**

### **5. CLOSED SESSION:**

The Board will adjourn to Closed Session to address the following item:

#### **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**

**Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code § 54956.9: Three (3) Potential Cases**

**6. 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).

**7. 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 Office 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. CONSENT AGENDA ITEMS:  
A. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL  
BOARD MEETING ON FEBRUARY 27, 2023.**

**SPECIAL BOARD MEETING MINUTES  
SAN SIMEON COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REGULAR BOARD MEETING  
Tuesday, February 27, 2023  
5:30 pm**

**1. REGULAR SESSION @ 5:30 pm**

Roll Call:

Chairperson Diamond – Present

Vice-Chairperson Tiwana – Present

Director de a Rosa – Present

Director Donahue – Present

Director Kellas – Present (due to technical difficulties did not respond to the roll call but was present)

**2. BUSINESS ACTION ITEMS:**

**A. ADOPTION OF RESOLUTION 23-465 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361. (3:46)**

Chairperson Diamond introduced the item. District Counsel provided background information about the state of emergency declaration from the Governor.

Public Comment –  
None

(6:48) A motion was made to approve Resolution 23-465.

Motion: Chairperson Diamond

2<sup>nd</sup>: Vice-Chairperson Tiwana

Vote: 4/0

Absent: Kellas (Present but not part of the roll-call)

Roll Call:

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

**B. DISCUSSION, REVIEW AND APPROVAL OF RESOLUTION 23-466 TO CHANGE THE BOARD MEETING LOCATION FOR HYBRID BOARD MEETINGS AND IN-PERSON BOARD MEETINGS TO THE CAMBRIA VETERANS' HALL, APPROVAL OF AN AGREEMENT WITH CCSD AND DIRECTION TO STAFF. (8:35)**

Chairperson Diamond introduced the item. District Counsel provided background information about the Resolution.

(12:12) Director Kellas inquired about technical components of setting up the meeting and the components of the contract. There was further discussion among the Board members about the contract.

(16:54) Vice-Chairperson Tiwana and District Counsel discussed the legal requirements related to in-person meetings. There was further discussion among the Board members about this topic. There was additional conversation about components of the contract.

Public Comment –

(28:30) Julie Tacker commented.

(30:30) There was further discussion among the Board members about the use of the Vet's Hall for townhall meetings, committee meetings, and last-minute special meetings.

Public Comment –

(33:34) Henry Krzciuk commented.

(36:55) A motion was made to approve Resolution 23-466 with the amendments discussed in reference to the hybrid equipment, the use of the TV, the wifi, the doors opening and closing, and the clean-up (contract returns to the Chair and Vice-Chairperson for approval)

Motion: Director Kellas  
2<sup>nd</sup>: Chairperson Diamond  
Vote: 5/0  
Absent: None

Roll Call:

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

### **3. ADJOURNMENT – @ 6:11 pm**

**3.B. CONSENT AGENDA ITEMS:  
B.REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR  
BOARD MEETING ON MARCH 14, 2023.**



**MEETING MINUTES  
SAN SIMEON COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS REGULAR BOARD MEETING  
1000 MAIN STREET  
CAMBRIA, CA 93428  
Tuesday, March 14, 2023  
5:00 pm**

This meeting occurred as an in-person hybrid meeting.

**1. REGULAR SESSION @ 5:01 PM**

- A. Chairperson Diamond – Present
- Vice-Chairperson Tiwana – Present
- Director de a Rosa – Present
- Director Donahue – Present
- Director Kellas – Present (on-line)

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

Public Comment –

(4:50) Todd Wealty presented information on his company NViro and providing operation services to the District.

(8:55) Henry Krzciuk commented on the District's available cash balances stating that the District should be applying for grants.

(12:20) Patrick Flaverly commented on the status of the District finances and committees.

**B. SPECIAL PRESENTATIONS AND REPORTS: (15:15)**

**A. STAFF REPORTS:**

- i. **Sheriff's Report** – None.
- ii. **CHP Report** – None.
- iii. **Superintendent's Report** – (15:25) Steve Orellana provided a summary of February activities.
- iv. **General Manager's Report** – (17:15) Charlie Grace provided a Summary of February activities.
- v. **District Financial Summary** – (19:19) Charlie Grace provided a summary of the February financials.

Public Comment –

(23:39) Henry Krzciuk commented.

- vi. **District Counsel's Report** – (25:50) Nubia Goldstein provided a Summary of February activities.

- vii. **Board Member Report** – None.

Public Comment –

(27:10) Chris and Michael commented.

(29:50) Patrick Flaverty commented.

**B. AD-HOC & STANDING COMMITTEE REPORTS: (32:10)**

- i. Status Update Budget/Finances Committee – None.
- ii. Status Update Water/Facilities Committee – None.
- iii. Status Update Camping Ordinance on District Streets - Director Donahue provided information about the status of this item.
- iv. Status Update Coastal Hazard Response Plan (CHRP) – Director de la Rosa provided information about the status of this item and provided a recap of the town hall meeting.
- v. Status Update Policies and Procedures Committee – None.

Public Comment –

(48:44) Patrick Flaverty commented.

**C. CONSENT AGENDA ITEMS: (53:20)**

Director Donahue requested that Item D be pulled for discussion.

(53:44) Chairperson Diamond asked the public if they wanted any items pulled from consent for public comment.

**A. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR BOARD MEETING ON FEBRUARY 14, 2023.**

**B. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**

(54:27) A motion was made to approve consent agenda items A-B.

Motion: Vice-Chairperson Tiwana

2nd: Director de la Rosa

Vote: 5/0

Absent: None

Roll Call:

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

**C. RATIFICATION AND APPROVAL OF A CONTRACT WITH KATHY FRY BOOKKEEPING SERVICES TO PROVIDE SERVICES TO THE DISTRICT FOR THE PERIOD OF THREE YEARS.**

Public Comment –

(55:40) Henry Krzciuk commented.

(57:29) There was Board discussion among the Board members about the insurance requirements for the Bookkeeping contract. Director Kellas requested several changes on the language of the contract. Page 1: inaudible comments, Page 2: Item #4 Item 6

Item B, 10 days should be changed to 30 days, Page 4: the ownership of documents should be changed from GES to District, Page 12: increasing the insurance will increase the costs of the proposal.

(1:01:10) Vice-Chairperson Tiwana commented that she wanted the contract to be filled out correctly before it could be approved.

(1:02:05) A motion was made to move this contract forward to the next special meeting to have it filled out correctly.

Motion: Chairperson Diamond  
2nd: Vice-Chairperson Tiwana

(1:02:20) Nubia Goldstein suggested that the Board could approve the contract with the suggested changes. Director Donahue questioned the increase in the insurance requirement amount. The Board further discussed this matter. The General Manager and District Counsel provided procedural information to the Board.

(1:07:30) A second motion was made to approve the contract with changes.

Motion: Director Kellas  
2nd: Chairperson Diamond  
Vote: 3/2  
Absent: None

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

**D. APPROVAL OF THE BASIS OF DESIGN AND THE 30% DESIGN PLANS FOR THE PIPE BRIDGE. (1:08:50)**

Director Donahue commented on the need for a second 8" line to be included in the design. He asked the Board to consider using the existing abutments to use the bridge as a walking bridge/pipe bridge.

Public Comment -  
(1:11:11) Henry Krzciuk commented.

(1:14:06) Director Kellas commented on her concern in delaying design of the pipe bridge.

(1:14:56) A motion was made to postpone consideration of this item until we have a firmer handle on the location of the Wastewater Treatment Plant (WWTP).

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

Abstain: Kellas

Roll Call:

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

**D. BUSINESS ACTION ITEMS:**

**A. DISCUSSION, REVIEW AND APPROVAL OF THE 2023 LIST OF GOALS AND PRIORITIES FOR THE SAN SIMEON COMMUNITY SERVICES DISTRICT. (1:15:44)**

(1:16:24) Chairperson Diamond introduced the item.

Public Comment –

(1:19:33) Chris & Michael commented.

(1:21:30) Henry Krzciuk commented.

(1:22:50) A motion was made to bring this back to the Board to narrow this list down to the six most critical items the feel should be the focus of the Board for the remainder of the year.

Motion: Chairperson Diamond

2nd: Vice-Chairperson Tiwana

Vote: 5/0

Absent: None

Roll Call:

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

**B. DISCUSSION, REVIEW AND APPROVAL OF STANDING COMMITTEE MEMBERS AND AD-HOC COMMITTEE MEMBERS PURSUANT TO DISTRICT POLICY 13.01. (1:23:44)**

Chairperson Diamond introduced the item. She stated that she wanted to dissolve the Coastal Hazard Response Plan (CHRP) ad-hoc committee.

(1:25:10) A motion was made to dissolve the CHRP ad-hoc committee and have Dudek report directly to the Board.

(1:25:22) Director Kellas contested the motion. Director Kellas and the Chairperson further discussed this matter.

Public Comment –

(1:27:30) Henry Krzciuk commented.

Motion: Chairperson Diamond

2nd: Vice-Chairperson Tiwana

Vote: 3/1

Abstain: de la Rosa

Roll Call:

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

Chairperson Diamond announced that there were still vacant positions on the both the Water/Facilities and Budget/Finance committees.

(1:32:25) Director de la Rosa and Chairperson Diamond discussed the budget committee and Mr. Krzciuk contacting the District Bookkeeper to obtain additional information. He expressed concerns about her charging the District for these conversations. He stated that this was not transparent.

**C. DISCUSSION AND APPROVAL OF STILLWATER PICO CREEK STREAM FLOW MANAGEMENT PLAN TECHNICAL MEMORANDUM AND PROPOSAL FOR LONG-TERM PICO CREEK MONITORING. (1:36:38)**

Chairperson Diamond introduced the item. Ken Jarrett from Stillwater was present (via Zoom). There was discussion among the Board and the General Manager regarding this matter.

Public Comment –

(1:41:15) Henry Krzciuk commented.

(1:42:15) There was further discussion between the General Manager and the Board regarding the fact that this was a secondary monitoring plan. Ken Jarrett also provided information about this matter.

Public Comment –

(1:57:20) Tina Dickason commented.

(1:59:38) The Board discussed the additional costs associated with the monitoring plan.

Public Comment –

(2:00:13) Bob Hather was unable to comment.

(2:02:00) Chris and Michael commented.

(2:04:30) A motion was made to accept the memorandum of proposal for long-term creek monitoring as provided by Stillwater.

Motion: Director Kellas

2nd: Director de la Rosa

Vote: 5/0

Absent: None

Roll Call:

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

**E. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS** – Director Kellas asked that the water/facilities committee look at the fact there was a lot of water going down the drain that could be re-used and she asked that they could work on a solution to this. Director Donahue asked that a grant acquisition subcommittee be created to work with Criscom on grant opportunities. He agreed with Director Kellas’s recommendations for the water/ facilities committee.

**F. ADJOURNMENT** – @ 7:19 PM

DRAFT

**3.C. CONSENT AGENDA ITEMS:  
C.REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL  
BOARD MEETING ON MARCH 28, 2023.**

**SAN SIMEON COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS SPECIAL BOARD MEETING AGENDA  
CAMBRIA VETS HALL  
1000 MAIN STREET  
CAMBRIA, CA 93428  
Tuesday March 28, 2023  
5:30 pm**

**This meeting occurred in-person and online via Zoom**

**1. REGULAR SESSION @ 5:32**

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

**2. BUSINESS ACTION ITEMS:**

- A. DISCUSSION, REVIEW AND APPROVAL OF A BOARD RESOLUTION PROCLAIMING A LOCAL EMERGENCY REGARDING THE DISTRICT’S ABILITY TO TREAT AND SERVE POTABLE WATER, AND AN UPDATE ON THE DISTRICT’S EFFORTS TO SECURE AN ALTERNATIVE WATER SOURCE. (1:21)**

Chairperson Diamond introduced the item. Charles Grace provided information about the storm event that was overwhelming the community’s water wells. He provided additional information about the need for the resolution. The Board further discussed the resolution with District Counsel. Vice-Chairperson Tiwana inquired about disaster preparedness planning. The Board and Charles Grace further discussed the disaster preparedness plan.

Public Comment –

(15:08) Henry Krzciuk commented.

(17:40) Tina Dickason commented.

(20:00) April Dury commented.

(20:30) (name was not audible) A member of the public commented.

(23:55) Julie Tacker commented.

(28:40) The Board further discussed this matter.

(30:20) A motion was made to approve Resolution 23-467 with a time limit of 30 days.

(32:00) There was further discussion about extending the terms of the resolution to 60 days.



Motion: Chairperson Diamond  
2<sup>nd</sup>: Vice-Chairperson Tiwana  
Vote: 5/0  
Absent: None

Roll Call:

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

(33:00) There was discussion about moving Item D to be discussed after Item F.

**B. DIRECTION TO STAFF AND APPROVAL OF THE ADAPTATION PLANNING GRANT PROGRAM APPLICATION SUBMITTAL. (34:55)**

Charlie Grace introduced the item. Emily and Renee from Criscom were present and provided information about the grant requirements and application process. There was further discussion about the pipe bridge and applying for a grant.

Public Comment –

(44:15) Henry Krzciuk commented.

(46:58) A motion was made to approve the adaptation planning grant program application.

Motion: Chairperson Diamond

2<sup>nd</sup>: Director Donahue

Vote: 5/0

Absent: None

(47:20) Director Kellas asked for clarification on the motion, stating that there were typos in the attachment and it could not be accepted as is. She contested the motion. There was further discussion between the Board, Charles Grace, and Criscom about the application.

(1:01:11) A motion was made not approve it.

2<sup>nd</sup>: None

(1:02:10) Director Donahue and District Counsel discussed the motion and the application process.

(1:04:40) Chairperson Diamond withdrew her original motion.

(1:05:00) District Counsel provided further direction to the Board about possible scenarios for wording of a potential motion. The Board further discussed this matter.

(1:07:50) A motion was made to pass as it is with Director Kellas, Charlie Grace, and Ashley Vance to iron out the details and make it correct and

correct the errors and move this thing forward. (Director Donahue continues speaking but it is not part of the motion).

(1:08:50) District Counsel clarified the motion.

Motion: Director Donahue

2<sup>nd</sup>: Director Kellas

Vote: 3/2

Absent: None

Roll Call:

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

**C. PRESENTATION, DISCUSSION AND BOARD ACTION TO CREATE A GRANT ACQUISITION SUBCOMMITTEE. (1:09:46)**

Chairperson Diamond introduced the item. Criscom was present. They provided the Board with information related to the grant applications.

(1:15:10) The Board further discussed the application process for grants. The Board discussed the formation of an ad-hoc committee.

Public Comment –

(1:21:35) Henry Krzciuk commented.

(1:24:15) Julie Tacker commented.

(1:26:15) Emily from Criscom commented on the public's comment.

(1:28:35) A motion was made to form an ad-hoc committee which would include Chairperson Diamond and Director Donahue.

Motion: Chairperson Diamond

2<sup>nd</sup>: Vice-Chairperson Tiwana

Vote: 5/0

Absent: None

Roll Call:

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

**D. DISCUSSION, REVIEW AND APPROVAL OF A REQUEST FOR QUALIFICATIONS FOR GENERAL MANAGER SERVICES AND A REQUEST FOR PROPOSALS FOR OPERATION SERVICES. (1:29:15)**

(1:29:50) Charlie Grace recused himself.

(1:30:15) District Counsel reviewed the previous role call votes.

District Counsel introduced the item. The Board further discussed this matter.

Public Comment –

(1:44:30) Henry Krzciuk commented.

(1:48:00) The Board further discussed making additions to the document. There was discussion about the timeline of the document and specifics of the document.

(2:07:00) A motion was made to approve the RFQ and RFP with the directions that were previously stated.

Motion: Chairperson Diamond

2<sup>nd</sup>: Director Donahue

Vote: 5/0

Absent: None

Roll Call:

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

**E. DISCUSSION AND BOARD DIRECTION REGARDING POTENTIAL CHANGES TO WATER MORATORIUM. (2:07:41)**

District Counsel introduced the item. The Board discussed this matter.

Public Comment –

(2:19:54:10) Henry Krzciuk commented.

(2:19:05) Julie Tacker commented.

(2:20:47) A motion was made to direct Counsel Goldstein to move forward. (Director Donahue continued speaking but it was not part of the motion.)

(2:21:50) District Counsel asked for clarification on the motion. There was further discussion among the Board members regarding the process.

Motion: Director Donahue

2<sup>nd</sup>: Chairperson Diamond

Vote: 5/0

Absent: None

Roll Call:

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

**F. DISCUSSION, REVIEW AND APPROVAL OF A BOARD RESOLUTION AFFIRMING THE DISTRICT'S DESIRE TO REMOVE RESIDENTIALLY ZONED AREAS FROM FURTHER CONSIDERATION FOR THE RELOCATION OF THE WASTEWATER TREATMENT PLAN. (2:23:40)**

District Counsel introduced the item. The Board further discussed the resolution.

Public Comment –

(2:33:30) Henry Krzciuk commented.

(2:37:40) The Board discussed removing a portion of the language in the resolution.

A motion was made to approve resolution 23-468 without that statement.

Motion: Chairperson Diamond

2<sup>nd</sup>: Director Donahue

Vote: 3/2

Absent: None

Roll Call:

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

**3. ADJOURNMENT – @ 7:40 PM**

DRAFT

**3.D.CONSENT AGENDA ITEMS:**  
**D. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL**

**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Disbursements Journal for Board Approval**  
**April 2023**

Type	Date	Num	Name	Memo	Paid Amount
<b>Disbursements Journal for Board Approval: April, 2023 Disbursements Including March activity which occurred after March Disbursement Journal was prepared</b>					
Bill Pmt -Check	03/14/2023	2642	Richard Davega	VOID check number 2642 dated 3/14/23. Replaced by check number 2662 dated 4/11/23. <i>Invoice was for Notary services for Director Diamond re: Hearst Easement. Inv 129453 dated 2/23/23.</i>	15.00
Bill Pmt -Check	04/11/2023	2662	Richard Davega	Check number 2662 dated 4/11/2023 replaces voided check number 2642 dated 3/14/23.	-15.00
Bill Pmt -Check	03/14/2023	2649	Grace Environmental Services (GES)	VOID check number 2649 dated 3/14/23. Replaced by check number 2667 dated 4/7/23. <i>Invoice was for: Ops Mgmt, Electrical and Maint Fees March 2023. Inv # 1611 dated 3/01/23.</i>	60,308.23
Bill Pmt -Check	04/07/2023	2667	Grace Environmental Services (GES)	Check number 2667 dated 4/7/23 replaces voided check number 2649 dated 3/14/23.	-60,308.23
Check	03/14/2023	Elec Debit	Pacific Premier Bank - PPBI	Bank Fee 03.14.23.	-118.02
Check	03/23/2023	Elec Pymt	USDA Loan Repayment	March USDA loan payment. 1st of 2 biannual payments made electronically to pay down USDA loan.	-10,345.00
Paycheck	04/11/2023	2651	GWEN KELLAS	Board Service March 2 through April 1, 2023.	-184.70
Paycheck	04/11/2023	2652	JACQUELINE M DIAMOND	Board Service March 2 through April 1, 2023.	-184.70
Paycheck	04/11/2023	2653	MICHAEL C DONAHUE	Board Service March 2 through April 1, 2023.	-184.70
Bill Pmt -Check	04/11/2023	2654	Jessica Martindale	Customer security deposit refund account #192. Eff 4/1/23.	-50.00
Bill Pmt -Check	04/11/2023	2655	Ashley & Vance Engineering Inc	Pipe Bridge Replacement - Engineering services through February, 2023. Inv 69148 dated 3/7/23.	-3,235.00
Bill Pmt -Check	04/11/2023	2656	CrisCom Company	Grant research, writing, and grant related services April, 2023. Inv # 271082 dated 3/17/23.	-2,000.00
Bill Pmt -Check	04/11/2023	2657	Dudek	CHRP expense (Coastal Hazard Response Plan). Contract services through 02.24.23. Refer to grant from CCC/SLO Co 19-02_SLO_A1. Inv 2023-01392 dated 03/21/23.	-47,777.00
Bill Pmt -Check	04/11/2023	2658	Filtration Technology	9 Harmsco HC/170 cartridge filters. Inv 9034 dated 3/21/23.	-4,220.03
Bill Pmt -Check	04/11/2023	2659	Kathleen Fry Bookkeeping Services	Regular monthly bookkeeping services through 03.31.23. Inv CSD-2023-03 dated 03/31/23.	-1,550.00
Bill Pmt -Check	04/11/2023	2660	Lori Mather Video Services	Video services for meetings held on: 3/8, 3/10, 3/28, 4/4, and 4/11/23. Invoice #4/1/23.	-2,200.00

**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**Disbursements Journal for Board Approval**  
**April 2023**

<b>Type</b>	<b>Date</b>	<b>Num</b>	<b>Name</b>	<b>Memo</b>	<b>Paid Amount</b>
Bill Pmt -Check	04/11/2023	2661	Padre Associates, Inc	Environmental consulting services through 01.31.23: Outfall pipeline and General services. Inv 2023-295 dated 02/08/23.	-3,612.50
Bill Pmt -Check	04/11/2023	2662	Richard Davega	See ck 2662 listed above - offsets with voided check number 2642.	-
Bill Pmt -Check	04/11/2023	2663	Simply Clear Marketing & Media	Monthly Website Service and Mgt fee service period 04.20.23 - 05.20.23. Inv 44571 dated 3/17/23.	-450.00
Bill Pmt -Check	04/11/2023	2664	White Brenner LLP	Legal services through 01.31.23. Matters include: General, PRA, Water, Hurlbert, and Mouchawar. Invoices 47331-47335 dated 3/7/23.	-8,634.70
Bill Pmt -Check	04/11/2023	2665	Grace Environmental Services	Operations Management, Electrical and Maintenance Fees April 2023. Inv # 1615 dated 03/31/23.	-60,308.23
Liability Check	04/25/2023	Elec Pymt	United States Treasury	Payroll tax payment for paychecks issued current month.	-91.80
Check	04/25/2023	Elec Pymt	CalPers Fiscal Svcs Divn	Monthly Unfunded Accrued Liability payment. Cust. ID # 7226734344.	-1,433.58
<b>TOTAL</b>					<b>-146,579.96</b>

## **4.A. BUSINESS ACTION ITEM**





## **BUSINESS ACTION ITEM STAFF REPORT**

---

### **ITEM 4A. DISCUSS AND PROVIDE DIRECTION ON SELECTION OF A BOARD REPRESENTATIVE TO ENGAGE IN DISCUSSIONS WITH CAMBRIA COMMUNITY SERVICES DISTRICT REGARDING MUTUAL AID**

#### Background:

At the request of Vice-Chair Tiwana, staff has placed this item on the agenda for discussion by the Board of Directors.

#### Board Actions:

1. The Board may select one Board representative to engage in discussions with representatives from the Cambria Community Services District to determine if the agencies have the desire to develop a mutual aid plan.

## **4.B. BUSINESS ACTION ITEM**



## **BUSINESS ACTION ITEM STAFF REPORT**

---

### **ITEM 4.B. DIRECTION TO STAFF REGARDING THE PROCUREMENT OF A BOOKKEEPER FOR THE DISTRICT.**

#### Summary:

On March 27, 2023 the District received a letter of resignation from the District bookkeeper. The bookkeeper has agreed to provide services to the District for 60 days from the date of the resignation letter(3/27/2023). GES Staff is looking for direction from the Board on this matter.

Enc: Resignation letter from Kathy Fry

**Kathleen Fry**  
**Bookkeeping Services**  
PO Box 726  
Cambria, CA 93428

RECEIVED

March 27, 2023

MAR 27 2023

Charles Grace, General Manager  
San Simeon Community Services District  
111 Pico Ave  
San Simeon, CA 93452  
Email: [CGrace@GraceEnviro.com](mailto:CGrace@GraceEnviro.com)

BY: 

Re: 30-day Notice to Terminate Agreement

Mr. Grace,

I hereby proffer my 30-day notice to terminate the "Agreement for Consultant Services". It has been my pleasure to work closely with you, GES Staff, and the Board to provide bookkeeping services for the community of San Simeon.

Thank you,



Kathleen Fry  
Bookkeeper

Copy to:

✓ District Counsel  
Attention: Nubia I. Goldstein, Esq. White Brenner LLP  
1414 K Street, 3rd Floor  
Sacramento, CA 95814  
Email: [Nubia@WhiteBrennerLLP.com](mailto:Nubia@WhiteBrennerLLP.com)

Sent via email to C. Grace and N. Goldstein on 3/27/2023.

Mailed via US Mail to C. Grace and N. Goldstein on 3/27/2023.

## **4.C. BUSINESS ACTION ITEM**



## **BUSINESS ACTION ITEM STAFF REPORT**

---

### **ITEM [4.C.] DISCUSSION AND BOARD DIRECTION REGARDING FILLING VACANCY ON BOARD OF DIRECTORS**

#### Background:

On April 3, 2023, San Simon Community Services District (“District”) Board of Director member (“Director”) Gwen Kellas resigned from the District’s Board of Directors (“Board”). Director Kellas’ resignation was effective immediately. Through the November 3, 2020, general election, Ms. Kellas was elected to serve a four (4) year term as a member of the Board, which was set to expire in December 2024. As such, Ms. Kellas resigned during the second half of her term of office as Director.

On April 16, 2023, Director de la Rosa resigned from the Board. Director de la Rosa’s resignation took effect immediately. Through the November 3, 2020, general election, Mr. de la Rosa was elected to serve a four (4) year term as a member of the Board, which was set to expire in December 2024. As such, Mr. de la Rosa resigned during the second half of his term of office as Director.

Government Code section 61042, subdivision (c) provides that in a community services district (“CSD”), any vacancy in the office of a member elected to the board of directors shall be filled pursuant to Government Code section 1780.<sup>1</sup>

#### **1. The Board Must Notify the County Elections Official of the Vacancies.**

Section 1780, subdivision (b) requires the District to notify the San Luis Obispo County (“County”) elections official (“Elections Official”) of the vacancies no later than fifteen (15) days after the Board is notified of the vacancy or the effective date of the vacancy, whichever is later. The Elections Official was notified of the vacancies on April 12, 2023 and on April 20, 2023 respectively.

#### **2. The Board May Either Fill the Vacancy by Appointment or by Calling an Election.**

Section 1780, subdivision (c) provides that the remaining members of the Board may fill

<sup>1</sup> All further references are to the Government Code, unless otherwise provided.

the vacancy by appointment or by calling an election.

Appointment:

Section 1780, subdivision (d)(1) provides that if the Board elects to fill the vacancy by appointment, the appointment must be made within sixty (60) days after the date the notice became effective or was received, whichever is later. Additionally, the District must post notice of the vacancy in at least three (3) conspicuous places in the District at least fifteen (15) days before the Board makes the appointment. Finally, the District must notify the County Elections Official within fifteen (15) days of the appointment.

*Vacancy Following Director Kellas' Resignation*

The District may fill the vacancy caused by Director Kellas' resignation by appointment. To do so, the appointment must be made by June 2, 2023. The advantage of filling the vacancy by appointment is that the vacancy can be filled quickly. Appointment is also a more informal process than an election, so appointment would likely conserve District resources. The District has also filled vacancies by appointment in the past (e.g., December 9, 2020).

*Vacancy Following Director de la Rosa's Resignation*

The District may fill the vacancy caused by Director de la Rosa's resignation by appointment. To do so, the appointment must be made by June 15, 2023. Given the similar timing of the two resignations, it would be feasible for the District to fill both vacancies at the same time. Filing the vacancies as soon as possible is in the District's best interests to re-establish the District's five-member Board.

Election:

Section 1780, subdivision (e) provides that in lieu of making an appointment, the remaining Board members may call an election to fill the vacancy. Such an election must be held on "the next established election date" set forth in section 1000 of the Elections Code. The next established election date is November 7, 2023.

Here, the vacancies have reduced the District's five-member Board to three (3) Directors. Having only three (3) Directors for an extended period is not recommended. If one (1) Director is absent, a quorum will not be established. Additionally, with a three (3) member Board, unanimity is required for all Board actions, which could prevent the Board from acting. As such, waiting until November 7, 2023, to fill the vacancies, could adversely impact the District's business. Filling the vacancies by election would have the advantage of providing the electorate with an opportunity to fill the vacancy. However, given the timing of the next election date, filling the vacancies may not be a viable option for practical reasons.

Board Actions:

1. The Board must decide whether to fill the vacancies by appointment or by election.



## Resignation from the SSCSD Board

Gwen Kellas <gkellas@sansimeoncsd.org>

Mon 4/3/2023 2:55 PM

To: Jacqueline Diamond <jdiamond@sansimeoncsd.org>

Cc: Charlie Grace <cgrace@graceenviro.com>; San Simeon CSD <admin@sansimeoncsd.org>; Nubia Goldstein <Nubia@whitebrennerllp.com>

Chair Diamond:

Subject: Immediate resignation from the San Simeon CSD board.

For several years now being on the board means surviving in a toxic, harassing, and demeaning atmosphere all perpetuated by a local resident, a non-resident, and their few followers. It is why there has been such a high turnover of District Directors. As it has become evident, and as was pointed out to me by other residents, this toxic atmosphere now appears to be supported by other Board members too.

I cannot continue to support my community by being on this CSD board. My time and effort supporting my community will be better used elsewhere.

Gwen Kellas

Date: April 16, 2023

To: San Simeon Community Services Board of Directors

From: Daniel de la Rosa

Subject: Resignation from SSCSD/BOD

I am resigning from the San Simeon CSD Board of Directors effective immediately.

My reasons are listed below:

**1) Discriminatory Practices Against Latino Committee Members**

Miguel Sandoval and I were excluded from communication and Inservice opportunities offered only to “White” members of the committee.

**2) The Removal of the Latino Resignation Letters from the Board Packet**

The removal of my resignation letter from the board packet was a second act of discrimination against a Latino for the following reasons:

- a) This was a collective act of discrimination. Two members of the board acted in concert to suppress my freedom of speech. A false narrative was created by these two board members. These board members used the same verbiage, which was that my resignation from the committees was a “confidential personnel matter.” One board member (Chair) instructed staff to remove the resignation letter from the board packet and the other board member asked a newspaper reporter not to report the resignation.
  - i) First, this was not a personnel matter. The district has no employees. The Directors are not employees. Therefore, it cannot be a personnel matter.
  - ii) The resignation is not confidential. It is subject to a Public Record Act request.
  - iii) The resignation letter of the “White” board member was not removed from the board packet.

This second act of discrimination is a validation of my initial claim.

*“No culture can live, if it attempts to be exclusive.” Mahatma Gandhi*

## **4.D. BUSINESS ACTION ITEM**



## **BUSINESS ACTION ITEM STAFF REPORT**

---

### **ITEM 4D. DISCUSS AND PROVIDE DIRECTION TO STAFF CONCERNING MAY AND JUNE BOARD MEETINGS**

#### Background:

The SSCSD Board of Directors is scheduled to meet on May 9, 2023, and June 13, 2023. Due to the recent resignations on the Board and subsequent vacancies, the Board should consider the remaining Directors' availability in the next couple of months to ensure there will be a quorum available and present to attend the May and June meetings. Additionally, the Board should consider the availability of meeting space as a factor in rescheduling the regularly scheduled meetings.

#### Board Actions:

1. The Board may decide to reschedule the meetings or continue as presently scheduled.

## **4.E. BUSINESS ACTION ITEM**



## **BUSINESS ACTION ITEM STAFF REPORT**

---

### **ITEM 4E. DISCUSS AND ELECT CHAIRPERSON AND VICE-CHAIRPERSON FOR THE REMAINDER OF THE 2023 CALENDAR YEAR**

#### Background:

On April 11, 2023, Director Diamond resigned as Chairperson of the SSCSD. Vice-Chair Tiwana has presided over Chairperson duties since that time. Staff is requesting nominations and acceptance from the SSCSD Board for the position of Chairperson and potentially a new Vice-Chairperson for the remainder of the 2023 calendar year. The duties of the Chairperson and Vice-Chairperson are set forth in the SSCSD's Policies and Procedures and are included in this report for ease of reference.

#### **SECTION 3.00 Duties of the Board of Directors:**

3.01 Presiding Officer. The Chairperson shall preside at all meetings of the Board. The Vice-Chairperson shall preside at all meetings of the Board in the absence of the Chairperson. If both the Chairperson and Vice-Chairperson are absent, the Directors in attendance shall select a Director to preside over the meeting.

3.02 Duties of the Chairperson. The Chairperson of the Board shall preserve order and decorum and shall decide questions of order subject to appeal to the Board of Directors. The Chairperson from the chair may place a motion before the Board, second a motion, and vote irrespective of the existence of an otherwise tie vote.

The Chairperson shall act as spokesperson for the Board with respect to its actions and policies and those of the District. This provision, however, shall not preclude any other member of the Board from making appropriate comments within the scope of his or her position.

The Chairperson, or any member of the Board or staff person so designated, shall represent the Board where it is appropriate or desirable for the District to appear at meetings of other public agencies, private entities, before public or private groups, or on other public or private occasions. However, this provision shall not limit the attendance of any Director or authorized officer or staff member of the District at other public gatherings or meetings. Prior to attending such a gathering or meeting, Directors are encouraged to

review Government Code Section 54952.2(c) and ensure their attendance is in conformance with the requirements of the Brown Act. (Please refer to Section 3.04) To obtain such information as may be necessary and appropriate to assist the Board in its deliberations, the Chairperson shall work with the General Manager, District Counsel, or other staff member of the District. The Chairperson may also direct staff to implement the policies and decisions of the Board. Individual members of the Board shall not act independently to direct staff in the performance of their duties unless specifically provided for in these policies or as approved by the Board.

3.03 Duties of the Vice-Chairperson. The Vice-Chairperson shall act if the Chairperson is absent or unable to act and shall exercise all of the powers of the Chairperson on such occasions

Board Actions:

1. The Board should consider appointing a Chairperson and Vice-Chairperson for the remainder of the 2023 calendar year.