

Board of Directors San Simeon Community Services District



REGULAR BOARD MEETING PACKET April 12, 2022 Meeting Start Time 5:00 pm

Virtual Board Meeting via Zoom Webinar

Prepared by:



GRACE
ENVIRONMENTAL SERVICES

AGENDA
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR BOARD MEETING
Tuesday, April 12, 2022
5:00 pm

Pursuant to San Simeon CSD Resolution 22-442 and in compliance with AB 361 this meeting shall occur as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

Join Zoom for Regular Board Session:

<https://us02web.zoom.us/j/87307810050>

Or One tap mobile:

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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: 873 0781 0050

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 Cortney Murguia at 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:

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 March.
- ii. **CHP Report** – Report for March.
- iii. **Superintendent's Report** – Summary of March Activities.

- iv. **General Manager's Report** – Summary of March Activities.
- v. **District Financial Summary** – Summary of March Financials.
- vi. **District Counsel's Report** – Summary of March Activities.
- vii. **Board Member Report** – Summary of March Activities.

B. AD-HOC & STANDING COMMITTEE REPORTS:

- i. **Status Update** – Parking/Camping on District Streets.
- ii. **Status Update** – Coastal Hazard Response Plan (CHRP).
- iii. **Status Update** – Budget Committee.
- iv. **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 MARCH 8, 2022.**
- B. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON MARCH 8, 2022.**
- C. REVIEW AND APPROVAL OF MINUTES FOR THE SPECIAL MEETING ON MARCH 15, 2022.**
- D. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**
- E. ADOPTION OF RESOLUTION 22-444 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**
- F. APPROVAL OF THE CHAIRPERSON'S APPOINTMENT OF DANIEL DE LA ROSA TO SERVE AS THE BUDGET COMMITTEE CHAIRPERSON.**
- G. REVIEW AND APPROVAL OF THE MONTHLY STIPEND AMOUNT FOR BOARD MEMBERS.**
- H. REVIEW AND APPROVAL OF A FORMAL CAPITALIZATION POLICY FOR THE SAN SIMEON CSD.**

5. PUBLIC HEARING:

Public Comment – Public comment will be allowed for each individual public hearing item. Members of the public wishing to speak on public hearing 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 public hearing item.

- A. CONSIDERATION OF INPUT FROM THE COMMUNITY REGARDING THE VOTING AREAS SCENARIOS AND ADOPTION OF FINAL MAP.**

6. 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. DISCUSSION, REVIEW, APPROVAL OF STREET SIGN LANGUAGE RELATED TO DISTRICT ORDINANCE NO. 122 PARKING ON DISTRICT STREETS.

B. DISCUSSION, REVIEW, APPROVAL RELATED TO ALLOCATION OF COVID-19 RELIEF FUNDING IN THE AMOUNT OF \$135,231.00.

7. 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 - ANTICIPATED LITIGATION

Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section §54956.9

Two (2) Potential Case – Cure and Correct, Cease and Desist from Julie Tacker

B. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Exposure to litigation pursuant to paragraph (2) of subdivision (d) of Government Code Section §54956.9 – Ron Hurlbert

C. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code section §54956.9(d)(1)

Names of Cases – *Robert Hather v. San Simeon Community Services District, et al.*, U.S. District Court Case No. 2:21-cv-04711

Robert Hather v. San Simeon Community Services District, et al., SLO Superior Court Case No. 22CVP-0008.

MEMBERS OF THE PUBLIC: Please Join Us for the Remainder of the Meeting –

Part Two is Here:

<https://us02web.zoom.us/j/89334961643?pwd=NWx2V3lKaUdTTmI2RmVVaGpBYk5hQT09>

Meeting ID: 893 3496 1643

Passcode: 972125

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

Report on Closed Session

8. 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).

9. 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.iii Special Presentations and Reports:
Superintendent Reports
Jerry Copeland**



SUPERINTENDENT'S REPORT

Item 3.A.ii

Prepared by: Jerry Copeland

1. Wastewater Treatment Plant

- Sampling, testing, and reporting at the Wastewater Treatment Plant was performed as required by the Regional Water Quality Control Board (RWQCB).
- The monthly report was submitted to the State Water Resources Control Board (SWRCB).
- Maintenance and repairs were made to Reactor and Clarifier #3.
- One load of sludge was hauled away.

2. Water Treatment and Distribution System

- Sampling, testing, and reporting was performed as required by the State Water Resources Control Board (SWRCB), Division of Drinking Water (DDW).
- The monthly report was submitted to the SWRCB, DDW.
- The Annual Water Use Report was submitted to the SWRCB
- Filter Operations continue for the season.
- Monthly water meter reading was performed.

3. District and Equipment Maintenance

- Staff continues with the scheduled preventive maintenance for the equipment at the facilities.

San Simeon Community Services District

Superintendent's Report

March 2022

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	Chloride Wells 2	Recycled Water Distributed	Water Level Well 1	Water Level Well 2	Rainfall in Inches	State Flows
03/01/22	Tuesday	31,457	36,760	45,254	0	45,254	0	0	0	-	-	-	0	9.6	9.3	0.00	1,210
03/02/22	Wednesday	43,309	47,810	54,230	0	54,230	0	0	0	35	-	-	0	9.4	9.2	0.00	2,633
03/03/22	Thursday	32,505	38,530	52,659	972	53,632	0	0	0	-	37	<30	0	9.6	9.5	0.00	1,189
03/04/22	Friday	39,664	45,570	0	38,746	38,746	0	0	0	-	-	-	0	9.5	9.2	0.04	1,684
03/05/22	Saturday	42,391	57,800	60,513	0	60,513	0	0	0	-	-	-	0	9.5	9.1	0.00	611
03/06/22	Sunday	54,871	60,920	5,760	92,602	98,362	0	0	0	-	-	-	0	9.7	9.2	0.00	1,301
03/07/22	Monday	39,986	46,960	89,087	0	89,087	0	0	0	-	-	-	0	9.7	9.3	0.00	1,380
03/08/22	Tuesday	46,623	53,160	41,065	0	41,065	0	0	0	-	-	-	0	9.8	9.4	0.00	953
03/09/22	Wednesday	31,256	38,966	2,618	63,281	65,899	0	0	0	-	-	-	0	9.8	9.5	0.00	1,384
03/10/22	Thursday	36,897	42,964	59,242	1,272	60,513	0	0	0	35	37	<30	0	9.8	9.5	0.00	1,248
03/11/22	Friday	40,238	35,830	58,718	0	58,718	0	0	0	-	-	-	0	9.8	9.3	0.00	1,024
03/12/22	Saturday	60,010	65,060	34,184	59,167	93,350	0	0	0	-	-	-	0	9.8	9.4	0.00	1,256
03/13/22	Sunday	48,520	54,830	46,974	0	46,974	0	0	0	-	-	-	0	9.8	9.4	0.00	1,393
03/14/22	Monday	59,702	62,070	54,006	1,646	55,651	0	0	0	-	-	-	0	9.8	9.4	0.00	1,137
03/15/22	Tuesday	51,214	56,560	1,646	52,360	54,006	4,328	2,805	1,523	35	-	-	0	9.8	9.4	0.00	1,277
03/16/22	Wednesday	46,852	50,150	62,907	0	62,907	0	0	0	-	32	<30	0	9.7	9.4	0.00	626
03/17/22	Thursday	44,682	50,630	65,749	0	65,749	0	0	0	-	-	-	0	9.7	9.4	0.00	938
03/18/22	Friday	53,486	57,550	55,576	0	55,576	0	0	0	-	-	-	0	9.7	9.4	0.00	1,304
03/19/22	Saturday	64,395	66,400	0	62,009	62,009	0	0	0	-	-	-	0	9.7	9.5	0.10	1,012
03/20/22	Sunday	56,922	62,610	88,862	0	88,862	0	0	0	-	-	-	0	9.7	9.6	0.00	1,683
03/21/22	Monday	57,726	58,150	59,690	13,389	73,080	0	0	0	-	-	-	0	9.7	9.3	0.00	1,016
03/22/22	Tuesday	64,065	56,480	1,122	102,476	103,598	0	0	0	35	-	-	0	9.7	9.4	0.00	1,096
03/23/22	Wednesday	56,051	60,650	4,862	0	4,862	0	0	0	-	30	<30	0	9.8	9.5	0.00	649
03/24/22	Thursday	58,777	57,790	102,551	0	102,551	0	0	0	-	-	-	0	9.7	9.4	0.00	1,633
03/25/22	Friday	61,256	68,860	66,497	0	66,497	0	0	0	-	-	-	0	9.8	9.5	0.00	658
03/26/22	Saturday	65,706	70,380	33,660	0	33,660	0	0	0	-	-	-	0	9.8	9.6	0.00	1,254
03/27/22	Sunday	60,923	74,200	0	76,296	76,296	0	0	0	-	-	-	0	9.7	9.6	0.12	2,019
03/28/22	Monday	83,239	76,970	64,178	0	64,178	0	0	0	-	-	-	0	9.7	9.5	1.44	2,633
03/29/22	Tuesday	61,272	64,230	61,037	0	61,037	0	0	0	-	-	-	0	9.6	9.1	0.00	1,608
03/30/22	Wednesday	52,248	57,170	35,754	12,342	48,096	0	0	0	35	-	-	0	9.7	9.2	0.00	1,286
03/31/22	Thursday	43,620	49,400	0	39,943	39,943	0	0	0	-	32	<30	0	9.8	9.5	0.00	1,083
TOTALS		1,589,863	1,725,410	1,308,402	616,502	1,924,903	4,328	2,805	1,523				0			1.70	40,178
Average		51,286	55,658	42,207	19,887	62,094	140	90	49	35	34	<30	0	9.7	9.4	0.05	1,296
Minimum		31,256	35,830	0	0	4,862	0	0	0	35	30	<30	0	9.4	9.1	0.00	611
Maximum		83,239	76,970	102,551	102,476	103,598	4,328	2,805	1,523	35	37	<30	0	9.8	9.6	1.44	2,633

DATA SUMMARY SHEET

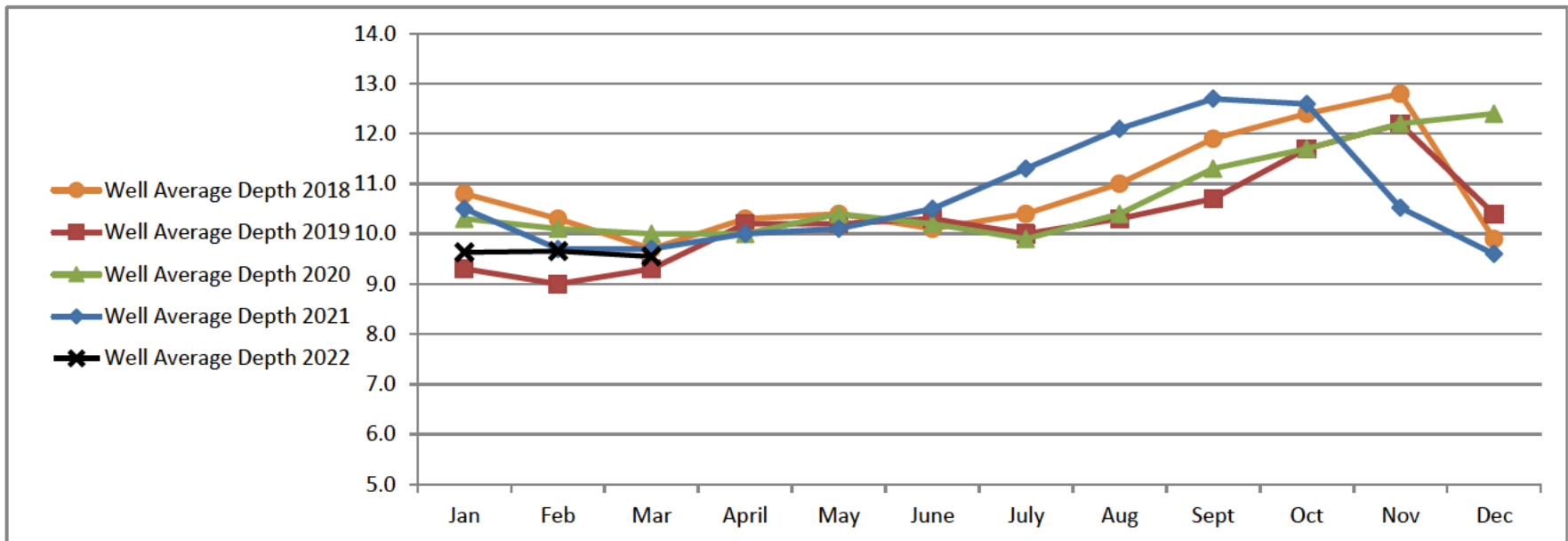
2022													
	Jan-22	Feb-22	Mar-22	Apr-22	May-22	Jun-22	Jul-22	Aug-22	Sep-22	Oct-22	Nov-22	Dec-22	Total for 2022
Wastewater Influent	1,571,222	1,389,949	1,589,863										4,551,034
Wastewater Final Effluent (Month Cycle)	1,649,170	1,498,768	1,725,410										4,873,348
Adjusted Wastewater Influent (- State Flow)	1,522,839	1,356,607	1,549,685										4,429,131
Water Produced (month cycle)	1,683,299	1,654,800	1,924,903										5,263,003
Sewer Influent/Water Produced Ratio	0.93	0.84	0.83										N/A
Adjusted Sewer/Water Produced Ratio	0.91	0.82	0.81										N/A
Well 1 Water Production	798,864	892,663	1,308,402										2,999,929
Well 2 Water Production	884,435	762,137	616,502										2,263,074
Total Well Production	1,683,299	1,654,800	1,924,903										5,263,003
Water Well 1 Avg Depth to Water	9.8	9.8	9.7										N/A
Water Well 2 Avg Depth to Water	9.4	9.5	9.4										N/A
Average Depth to Water of Both Wells	9.6	9.7	9.5										N/A
Change in Average Depth to Water from 2021	-0.9	0.0	-0.2										N/A
Average Chloride mg/L at the Wells	<30	36	35										N/A
State Wastewater Treated	48,383	33,342	40,178										121,903
State % of Total WW Flow	3%	2%	3%										N/A
Recycled Water Sold (Gallons)	0	0	0										0
Biosolids Removal (Gallons)	0	4,500	4,500										9,000
WW Permit Limitation Exceeded	0	0	0	0									0
RW Permit Limitation Exceeded	0	0	0	0									0
Constituent Exceeded	None	None	None	None									N/A
Sample Limit	N/A	N/A	N/A	N/A									N/A
Sample Result	N/A	N/A	N/A	N/A									N/A
2021													
	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	1,675,426	1,703,610	1,507,913	2,546,220	22,745,322
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	1,837,180	1,801,220	1,613,060	2,699,710	24,108,190
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	1,603,573	1,644,544	1,471,062	2,368,128	21,663,060
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	2,100,384	1,955,870	1,743,588	1,887,877	24,578,981
Sewer Influent/Water Produced Ratio	1.30	1.05	0.95	0.83	0.78	0.80	0.88	0.92	0.80	0.87	0.87	1.35	N/A
Adjusted Sewer/Water Ratio	1.16	0.95	0.93	0.81	0.75	0.77	0.85	0.90	0.78	0.84	0.84	1.25	N/A
Average Depth of Both Wells	10.5	9.7	9.7	10.0	10.1	10.5	9.9	10.4	11.3	12.7	10.6	9.7	N/A
Change in Average Depth to Water from 2020	-0.2	0.4	0.3	0.0	0.3	-0.3	0.0	0.0	0.0	-0.5	2.2	2.8	N/A
Average Chloride mg/L at the Wells	352	169	77	41	31	30	-	-	-	<30	41	37	N/A
State Wastewater Treated	250,618	60,202	125,914	57,908	67,506	75,936	79,894	89,406	71,853	59,066	36,851	178,092	1,153,246
State % of Total WW Flow	10%	4%	7%	3%	4%	4%	4%	5%	4%	3%	2%	7%	4.82%
Recycled Water Sold (Gallons)	0	0	0	0	0	0	0	0	0	0	0	0	0
Biosolids Removal (Gallons)	0	4,500	0	4,500	9,000	4,500	9,000	0	4,500	22,500	0	0	58,500
WW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0	0	0	0	N/A
RW Permit Limitation Exceeded	0	0	0	0	0	0	0	0	0	0	0	0	N/A
Constituent Exceeded	None	None	None	None	None	None	None	None	None	None	None	None	N/A
Sample Limit	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Sample Result	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

San Simeon Community Services District

Superintendent's Report

March 2022

	Jan	Feb	Mar	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Well Average Depth 2018	10.8	10.3	9.7	10.3	10.4	10.1	10.4	11.0	11.9	12.4	12.8	9.9
Well Average Depth 2019	9.3	9.0	9.3	10.2	10.2	10.3	10.0	10.3	10.7	11.7	12.2	10.4
Well Average Depth 2020	10.3	10.1	10.0	10.0	10.4	10.2	9.9	10.4	11.3	11.7	12.2	12.4
Well Average Depth 2021	10.5	9.7	9.7	10.0	10.1	10.5	11.3	12.1	12.7	12.6	10.5	9.6
Well Average Depth 2022	9.6	9.7	9.5									



**3.A.iv Special Presentations and Reports:
General Manager's Report
Charlie Grace**



GENERAL MANAGER'S REPORT

Item 3.A.iii

GES Staff Activity – Report on staff activities for the month of March 2022. Regular activities performed by 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 a water and budget committee meetings, a regular Board and two (2) special Board meetings.

GES Staff also attended to the following items:

- Responded to sixteen (16) written public records requests.

Update on District Grants:

OPC Grant – No update.

LCP Grant – Submitted invoices for reimbursement.

Prop 1 Grant – Attended the County RWMG prop 1 round 2 meeting.

Update on District Projects and RFP's:

Update on Coastal Hazard Response Plan (CHRP) – The document outline has been forwarded circulated to the California Coastal Commission and the Regional Water Control Board for their input.

Update on the Instream Flow Management Plan – In progress. Pumping tests are being scheduled.

Update on the Urban Water Management – Task has been completed.

Update on the Rate Study – In progress. Mary Fleming from the RCAC and Anthony Elowsky from RDN will be attending the April 25, 2022 budget committee meeting to further discuss the rate study. Mary Fleming is currently working with the District bookkeeper on an in depth cost of service study for the District. RDN is working with the state to see if the District qualifies to have a free cost allocation study performed for the District.

Update on the Hearst Encroachment Agreement – In progress.

Update on the Water Tank Project Update – No update.

Update on Repair of Pico Avenue Beach Access (Bottom of Stairs) – Staff is still working to find a structural engineer to provide an evaluation of necessary repairs.

Update on Repairs to the Pipe Bridge – Spot repairs have been completed. Coating of the repairs is in process.

Update on RFP for Replacement to the Pipe Bridge – The request for proposal (RFP) for project management, design, bid phase services, construction management to replace the pipe bridge was mailed to thirty-seven (37) companies on March 31, 2022. Responsive bids will be placed in front of the Board at the June Board meeting.

Update on the RFP for Ocean Outfall Pipeline Repair – The RFP can be found on the District’s website. This item will tentatively be placed on the May meeting agenda.

Update on RFP for Grant Writing Services – An RFP for these services was mailed to twenty-seven (27) companies on April 4, 2022. Responsive bids will be placed in front of the Board at the June Board meeting.

Update on RFP for Environmental Planning Services – An RFP for these services was mailed to thirty-nine (39) companies on March 30, 2022. Responsive bids will be placed in front of the Board at the June Board meeting.

Update on No Camping Ordinance - GES Staff contacted the SLO County Department of Public Works to obtain information about adding the County maintained roads within the District boundaries to the County’s camping ordinance. The email chain is included with the packet. County staff has suggested that the District contact Bruce Gibson’s office. GES staff recommends the forming of an ad-hoc committee to address this matter.

Update on Steps for lifting Moratorium (presented at the October 2020 Board meeting).

Steps for Removal of Water Service Moratorium

1. ~~Compile water usage data for the existing users to determine water quantity availability and determine Aquifer Safe Sustainable Water Yield. (Completed 3/2022)~~
2. ~~Present Analysis of water availability compared to waitlist demand. (Completed 3/2022)~~
3. ~~Address water quality issues install Reverse Osmosis System (Completed).~~
4. Contact persons on the water waitlist regarding continues plans to develop. (Determining if this is a necessary step)
5. Development of Instream Flow Management Plan (IFMP) and Program to Accommodate Affordable Housing (North Coast Plan) (In progress – estimated completion 12/2022)
6. Conduct an Environmental review and analysis California Environmental Quality Act (CEQA). (UWMP and IFMP may satisfy CEQA) (UWMP is complete)
7. ~~Conduct a Source Capacity Planning Study required by the State Water Resources Control Board, Division of Drinking Water.~~

8. ~~Review and (potentially) modify the District's Ordinance 117 regarding water conservation.~~

9. Develop process for reviewing and processing requests for will-serve letters.

10. Administrative Process to Repeal District Ordinance 102 – Water Connection Moratorium.

11. Implement system of periodic review of water availability (Periodic review of the Akel report)

Re: [EXT]Fw: San Simeon CSD - Request for Assistance

San Simeon CSD <admin@sansimeoncsd.org>

Wed 3/30/2022 9:01 PM

To: Rachel Naccarati <rnaccarati@co.slo.ca.us>; Joshua R. Roberts <jrroberts@co.slo.ca.us>; Jan Devera <jdevera@co.slo.ca.us>

Cc: Charles Grace <cgrace@graceenviro.com>

Hi Rachel,

Thank you for your response. We will reach out to Supervisor Gibson for his assistance on this matter.

Thank you again,

Cortney Murguia

(805) 927-4778

From: Rachel Naccarati <RNaccarati@co.slo.ca.us>

Sent: Wednesday, March 30, 2022 4:14 PM

To: San Simeon CSD <admin@sansimeoncsd.org>; Joshua R. Roberts <jrroberts@co.slo.ca.us>; Jan Devera <JDevera@co.slo.ca.us>

Cc: Charles Grace <cgrace@graceenviro.com>

Subject: RE: [EXT]Fw: San Simeon CSD - Request for Assistance

Hi Cortney,

Thank you for your email request regarding a "No Overnight Camping" on the County maintained streets in San Simeon. Our Counsel recommended that you reach out to the District Supervisor with the request.

Thank you,



Rachel Naccarati

Traffic Operations

Public Works, County of San Luis Obispo

Tel: (805) 781-5269 | An APWA Accredited Agency

[Website](#) | [Twitter](#) | [Map](#)



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

Sent: Tuesday, March 29, 2022 2:30 PM

To: Joshua R. Roberts <jrroberts@co.slo.ca.us>; Jan Devera <JDevera@co.slo.ca.us>; Rachel Naccarati <RNaccarati@co.slo.ca.us>

Cc: Charles Grace <cgrace@graceenviro.com>

Subject: [EXT]Fw: San Simeon CSD - Request for Assistance

ATTENTION: This email originated from outside the County's network. Use caution when opening attachments or links.

I apologize as I inadvertently misspelled the email address for Josh.

Cortney Murguia

(805) 927-4778

From: San Simeon CSD

Sent: Tuesday, March 29, 2022 2:27 PM

To: jdevera@co.slo.ca.us <jdevera@co.slo.ca.us>; rnaccarati@co.slo.ca.us <rnaccarati@co.slo.ca.us>; jroberta@co.slo.ca.us <jroberta@co.slo.ca.us>

Cc: Charles Grace <cgrace@graceenviro.com>

Subject: San Simeon CSD - Request for Assistance

Hello everyone,

I am reaching out to County staff at the direction of the District Board. Our Board would like to ask that County maintained roads in San Simeon, be added to the County wide "no camping ordinance" recently adopted by the County. Can you help me to initiate this process?

The San Simeon CSD recently adopted a parking ordinance for District owned streets. We are in the process of working towards a "no camping" ordinance for District owned streets. One area of concern, was that any initiative to address no-camping needed to work collaboratively with the County to ensure that all streets in San Simeon are addressed regardless of ownership.

Attached please find a map that shows County maintained streets. There are four streets.

1. Castillo Avenue
2. Avonne Avenue
3. Pico Avenue (partial area on east side of the highway)
4. Vista del Mar (partial area on west side of the highway)

Any assistance that you can provide regarding this matter is greatly appreciated.

Thank you,

Cortney Murguía

(805) 927-4778 (office)

(805) 400-7399 (cell)

**3.A.iv Special Presentations and Reports:
District Financial Summary
Cortney Murguia**

SAN SIMEON COMMUNITY SERVICES DISTRICT



3.A.iv FINANCIAL SUMMARY

Billing March 31, 2022

February Billing Revenue	\$	76,898.97
March Billing Revenue	\$	72,760.89
Past Due (60+ days)	\$	12,008.88

ENDING BANK BALANCES

March 31, 2022

PACIFIC PREMIER BANK:

Money Market Account Closing Balance February 28, 2022	\$	1,226,059.38
Interest for March	\$	31.49
Deposit for Waitlist	\$	14,050.00
Money Market Account Closing Balance March 31, 2022	\$	1,240,140.87
Reserve Fund		(250,000.00)
Wait-list Deposits		(94,148.60)
Customer Deposits		(8,400.00)
Available Funds	\$	887,592.27
General Checking Account March 31, 2022	\$	35,030.39
LAIF Closing Balance March 31, 2022	\$	561.62
Interest Money Market Account 2019	\$	22,529.11
Interest Money Market Account 2020	\$	12,206.44
Interest Money Market Account 2021	\$	1,104.91
Interest Money Market Account 2022	\$	89.49

**SAN SIMEON COMMUNITY SERVICES
HISTORICAL FISCAL REVIEW**

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	\$86,944.14
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	\$85,875.85
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	\$400,918.42
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	\$465,642.73
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	\$85,121.93
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	\$2,871.31
Grant Funds				\$11,367.00		\$18,753.05							
Revenue	\$97,456.67	\$105,750.58	\$122,854.95	\$88,167.11	\$82,474.12	\$113,876.00	\$71,824.93	\$72,041.38	\$81,288.85	\$107,297.06	\$73,231.73	\$111,111.00	\$1,127,374.38
Expense	\$81,495.91	\$74,250.58	\$102,279.81	\$104,990.12	\$111,554.79	\$92,037.25	\$94,850.91	\$94,625.06	\$71,744.58	\$105,016.25	\$89,244.32	\$98,066.81	\$1,120,156.39
Balance	\$15,960.76	\$31,500.00	\$20,575.14	(\$16,823.01)	(\$29,080.67)	\$21,838.75	(\$23,025.98)	(\$22,583.68)	\$9,544.27	\$2,280.81	(\$16,012.59)	\$13,044.19	\$7,217.99
Water Sold Cu Ft	334631	367360	332914	275609	243491	195107	236456	227602	197397	288979	236030	311046	3,246,622
Water Sold Acre	7.68	8.43	7.64	6.33	5.59	4.48	5.43	5.23	4.53	6.63	5.42	7.14	74.53

FY 2019/2020

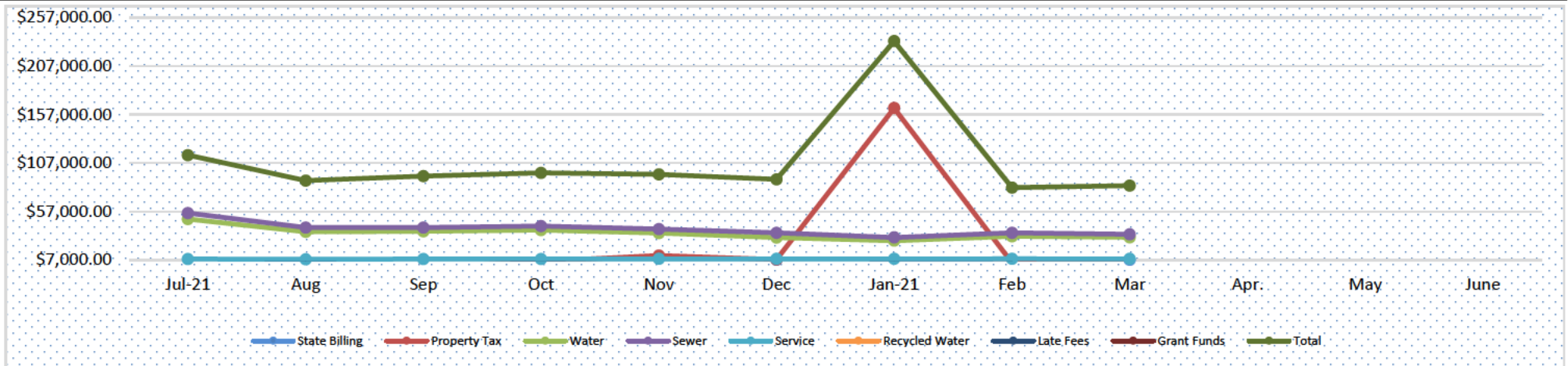
Month	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal Total
State Billing			\$25,528.71			\$22,455.35			\$15,776.54			\$7,016.19	\$70,776.79
Property Tax	\$1,218.61	\$2,752.21	\$3,126.48	\$5,305.64	\$6,019.52	\$23,503.23	\$13,612.60	\$5,282.91	\$2,659.00	\$15,436.18	\$9,385.45	\$916.22	\$89,218.05
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	\$396,135.82
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	\$441,678.56
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	\$88,422.48
Recycled Water													\$0.00
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	\$25,015.47
Grant Funds			\$8,750.00	\$167,376.61						\$1,485.90		\$8,369.50	\$185,982.01
Revenue	\$100,145.43	\$97,323.44	\$122,628.16	\$105,278.12	\$80,949.64	\$104,400.04	\$94,429.02	\$86,479.39	\$80,624.31	\$65,619.29	\$80,039.02	\$93,331.31	\$1,111,247.17
Expense	\$90,205.84	\$67,705.50	\$94,401.58	\$97,595.50	\$87,822.01	\$86,173.97	\$85,716.44	\$75,643.11	\$62,582.54	\$73,942.83	\$90,232.61	\$79,762.52	\$991,784.45
Balance	\$9,939.59	\$29,617.94	\$28,226.58	\$7,682.62	(\$6,872.37)	\$18,226.07	\$8,712.58	\$10,836.28	\$18,041.77	(\$8,323.54)	(\$10,193.59)	\$13,568.79	\$119,462.72
Water Sold Cu Ft	336845	319458	323518	329822	242893	179311	260006	261505	185972	137196	217871	274085	3,068,482
Water Sold Acre	7.73	7.33	7.43	7.57	5.58	4.12	5.97	6.00	4.27	3.15	5.00	6.29	70.44

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	\$25,429.53
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	\$87,294.70
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	\$435,324.49
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	\$474,211.59
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	\$94,690.96
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	\$0.00
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	\$0.00
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	\$0.00
Revenue	\$95,923.37	\$123,586.32	\$99,320.15	\$99,174.94	\$76,142.99	\$100,673.38	\$81,231.55	\$68,818.18	\$81,730.64	\$101,070.90	\$89,351.86	\$99,926.99	\$1,116,951.27
Expense	\$87,144.37	\$81,902.63	\$114,623.38	\$160,041.02	\$98,357.85	\$137,804.21	\$111,151.88	\$106,602.36	\$84,771.53	\$71,795.69	\$91,754.68	\$72,434.79	\$1,218,384.39
Balance	\$8,779.00	\$41,683.69	(\$15,303.23)	(\$60,866.08)	(\$22,214.86)	(\$37,130.83)	(\$29,920.33)	(\$37,784.18)	(\$3,040.89)	\$29,275.21	(\$2,372.82)	\$27,492.20	(\$101,403.12)
Water Sold Cu Ft	292033	387244	297886	291236	218802	217498	215864	209660	203888	291683	230285	288809	3,144,888
Water Sold Acre	6.70	8.89	6.84	6.69	5.02	4.99	4.96	4.81	4.68	6.70	5.29	6.63	72.20

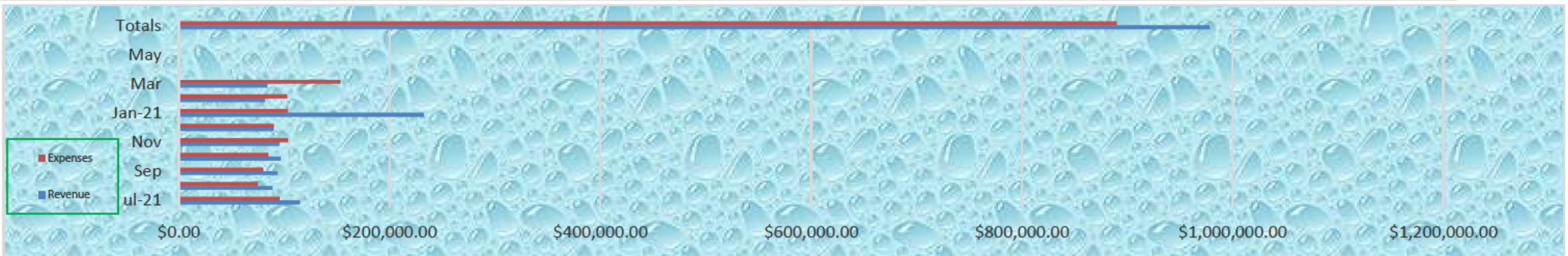
DISTRICT REVENUE FY 2021/2022

	Jul-21	Aug	Sep	Oct	Nov	Dec	Jan-21	Feb	Mar	Apr.	May	June	Totals
State Billing			\$6,340.85			\$7,273.93			\$7,273.93				\$20,888.71
Property Tax	\$115.78	\$1,381.14	\$10.01	\$5,809.34	\$11,583.42	\$7,622.03	\$163,743.57	\$4,095.69	\$4,104.27				\$198,465.25
Water	\$49,269.78	\$36,018.10	\$36,656.78	\$37,820.36	\$34,769.42	\$30,061.95	\$27,060.11	\$31,533.31	\$30,350.63				\$313,540.44
Sewer	\$55,516.22	\$40,331.83	\$40,336.81	\$42,047.97	\$38,874.20	\$35,068.70	\$30,298.87	\$35,079.28	\$33,573.78				\$351,127.66
Service	\$7,910.24	\$7,834.18	\$7,977.48	\$8,080.85	\$8,272.49	\$8,272.49	\$8,272.49	\$8,232.71	\$8,272.49				\$73,125.42
Recycled Water													\$0.00
Late Fees	\$2,349.85	\$3,168.75	\$2,222.38	\$3,159.93	\$1,854.16	\$1,966.24	\$3,291.71	\$2,803.97	\$211.71				\$21,028.70
Grant Funds	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00				\$0.00
Total	\$115,161.87	\$88,734.00	\$93,544.31	\$96,918.45	\$95,353.69	\$90,265.34	\$232,666.75	\$81,744.96	\$83,786.81				\$978,176.18
Water Sold Cu Ft	357524	261467	253458	262346	241618	210787	189269	219034	211521				2207024
Water Sold Acre ft	8.21	6.00	5.82	6.02	5.55	4.84	4.35	5.03	4.86				50.67



REVENUE VS EXPENSES

	Jul-21	Aug	Sep	Oct	Nov	Dec	Jan-21	Feb	Mar	Apr.	May	June	Totals
Revenue	\$115,161.87	\$88,734.00	\$93,544.31	\$96,918.45	\$95,353.69	\$90,265.34	\$232,666.75	\$81,744.96	\$83,786.81				\$978,176.18
Expenses	\$95,803.89	\$75,209.49	\$80,233.53	\$84,995.77	\$103,695.19	\$90,282.75	\$103,403.23	\$102,972.34	\$153,478.50				\$890,074.69
Balance	\$19,357.98	\$13,524.51	\$13,310.78	\$11,922.68	(\$8,341.50)	(\$17.41)	\$129,263.52	(\$21,227.38)	(\$69,691.69)				\$88,101.49



3.B.iv AD-Hoc & Standing Committee Reports:



AD-HOC & STANDING COMMITTEE REPORTS

List of Committee Members:

i. Parking on District Streets Committee Members:

Director de la Rosa and Vice-Chairperson Giacoletti.

ii. Coastal Hazards Response Plan (CHRP) Committee Members:

Director de la Rosa and Chairperson Kellas.

iii. Budget Committee Members:

Michael Hanchett, Miguel Sandoval, Luz Hernandez,

iv. Water Committee Members:

Michael Hanchett, Director Daniel de la Rosa, Chuck Grash, Albert Barretto

**4.A. Consent Agenda Items:
Approval of March 8, 2022 Regular Meeting Minutes**

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

Pursuant to San Simeon CSD Resolution 22-441 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

1. REGULAR SESSION: 5:08 PM -

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

B. Reportable Action from 4:00 PM Closed Session – There was no reportable action.

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment –

(1:50) Henry Krzciuk commented on his constitutional right to speak.

(3:20) Julie Tacker commented on Mr. Krzciuk’s constitutional right to speak. She also commented on the number of FPPC complaints that she had filed.

(8:15) Henry Krzciuk commented that his first amendment constitutional rights were being violated.

3. SPECIAL PRESENTATIONS AND REPORTS:

A. STAFF REPORTS:

- i. **Sheriff’s Report** – (9:25) Commander MacDonald provided the report for February.
- ii. **CHP Report** – None.
- iii. **Superintendent’s Report** – (16:45) Jerry Copeland provided a summary of February activities.
- iv. **General Manager’s Report** – (17:48) Charlie Grace provided a summary of February activities.
- v. **District Financial Summary** – (27:45) Charlie Grace provided a summary of the February financials.
- vi. **District Counsel’s Report** – (29:20) Jeff Minnery provided a summary of February activities.
- vii. **Board Member Report** – (31:20) Chairperson Kellas provided a report on wi-fi access, language translation, and planting of trees within the District Boundary.

B. AD-HOC & STANDING COMMITTEE REPORTS:

- i. **Status Update** – Chairperson Kellas provided a report on items i. – iv. Parking on District Streets.

(34:20) Director Donahue asked what the cost of obtaining grants for the pipe bridge.

Public Comment –

(36:17) Henry Krzciuk commented.

(36:58) Julie Tacker commented.

4. CONSENT AGENDA ITEMS: (42: 00)

- A. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR MEETING ON FEBRUARY 8, 2022.**
- B. REVIEW AND APPROVAL OF MINUTES FOR THE 6PM SPECIAL MEETING ON JANUARY 31, 2022.**
- C. REVIEW AND APPROVAL OF MINUTES FOR THE 4PM SPECIAL MEETING ON FEBRUARY 8, 2022.**
- D. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.**
- E. ADOPTION OF RESOLUTION 22-442 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.**

Public Comment –
(47:25) Henry Krzciuk commented.

(50:00) A motion was made to approve consent agenda items 4A – 4E.

Motion: Chairperson Kellas
2nd: Director Donahue
Vote: 4/0

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

5. HEARING ITEMS: (50:58)

- A. PUBLIC HEARING TO RECEIVE PUBLIC INPUT REGARDING THE VOTING AREAS SCENARIOS FOR DISTRICT BASED ELECTION SYSTEM - FIRST MEETING ON DRAFT MAPS.**

David Lopez from Cooperative Strategies presented information related to the California Voting Rights Act.

(1:09:25) Director Donahue and David Lopez discussed overlay maps and specific addresses associated with the census and registered voters.

Public Comment –
(1:14:17) Chairperson Kellas called on Julie Tacker. Julie Tacker did not respond.
(1:15:13) Henry Krzciuk commented.
(1:24:34) Chairperson Kellas called on Marlana Ramey. Marlana Ramey did not respond.
(1:25:25) Julie Tacker commented.
(1:26:18) Chairperson Kellas called on Marlana Ramey. Marlana Ramey did not respond.
(1:26:30) Michael Hanchett commented.

6. BUSINESS ACTION ITEMS:

- A. DISCUSSION, REVIEW AND APPROVAL OF THE OUTLINE FOR THE COASTAL HAZARD RESPONSE PLAN. (1:28:38)**

Jeff Oliveira from Oliveira Environmental Consulting (OEC) was present and discussed the outline for the Coastal Hazard Response Plan (CHRP).

(1:37:15) Charlie Grace further discussed the outline.
(1:38:00) Vice-Chairperson Giacoletti commented on the outline.
(1:38:30) Director Donahue commented on the proposed locations and suggested that lot D be replaced by lot H be added in the outline. Jeff Oliveira provided information related to proposed location sites and stated that he would follow up with Dudek to obtain a response.

Public Comment –

(1:43:35) Henry Krzciuk commented.
(1:47:06) Julie Tacker commented.
(1:50:40) Michael Hanchett commented.

(1:52:35) Jeff Oliveira answered several questions related to the public comment. He encouraged the public to contact the District or him with any questions or concerns related to the CHRP.

(1:56:15) A motion was made to accept the draft as is with future amendments based on continued input.

Motion: Chairperson Kellas
2nd: Director de la Rosa
Vote: 4/0

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

B. DISCUSSION, REVIEW AND APPROVAL OF A TEMPORARY CONTRACT WITH OLIVEIRA ENVIRONMENTAL CONSULTING TO PERFORM GENERAL SERVICES NOT TO EXCEED THE AMOUNT OF \$10,000.00. (1:57:10)

Charlie Grace introduced the item.

Public Comment –

(2:00:05) Henry Krzciuk commented.
(2:02:15) Michael Hanchett commented.
(2:02:58) Julie Tacker commented.

(2:04:01) A motion was made to approve the temporary contract with OEC for the period of 90 days.

Motion: Chairperson Kellas
2nd: Vice-Chairperson Giacoletti
Vote: 4/0

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

C. DISCUSSION AND DIRECTION REGARDING THE CREATION OF A DISTRICT ORDINANCE TO ADDRESS CAMPING ON DISTRICT OWNED STREETS WITHIN SAN SIMEON. (2:04:27)

Charlie Grace introduced the item.

(2:05:50) Director de la Rosa commented on the feasibility of enforcement related to a camping ordinance. He further stated that he believed this would be a necessary ordinance. He and Chairperson Kellas further discussed the feasibility of enforcement.

Public Comment –
(2:04:47) Henry Krzciuk commented.
(2:10:40) Julie Tacker commented.
(2:11:50) Michael Hanchett commented.

(2:13:17) Director Donahue commented that the District needed to create a no camping ordinance.

(2:14:12) A motion was made that staff address the County to be brought into the County ordinance as far as the County roads and that staff and the Board individually review and consider the degrees of possibility as to how it (a no camping ordinance) as far as District roads. Chairperson Kellas rephrased the motion. A 2nd motion was made to direct staff to get the county owned streets in San Simeon added to the no camping ordinance and to research a no camping ordinance on District owned roads.

Motion: Chairperson Kellas
2nd: Director Donahue
Vote: 4/0

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

D. APPROVAL OF HARBOR OFFSHORE INC., TO PERFORM AN INSPECTION OF THE RESERVOIR NOT TO EXCEED THE AMOUNT OF \$4,900.00. (2:15:31)

Chairperson Kellas recused herself stating that this item was related to maintenance.

Vice-Chairperson Giacoletti introduced the item.

(2:17:30) Chairperson Kellas returned to the meeting stating that she did not need to recuse herself because the reservoir is over 500 feet from her residence.

Public Comment –
(2:18:40) Henry Krzciuk commented.

(2:20:30) A motion was made to authorize the work.

Motion: Chairperson Kellas
2nd: Director de la Rosa
Vote: 4/0

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

E. CONSIDERATION AND APPROVAL OF INDEMNIFICATION FOR GRACE ENVIRONMENTAL, LLC (“GES”) COSTS INCURRED IN FPPC INVESTIGATION. (2:20:55)

(2:21:50) Charlie Grace recused himself.

Chairperson Kellas introduced the item.

Public Comment –
(2:22:27) Henry Krzciuk commented.
(2:23:40) Julie Tacker commented.

(2:27:00) Michael Hanchett commented.
(2:30:27) Jacqueline Diamond commented.

(2:33:00) Vice-Chairperson Giacoletti commented that she considered this to be a very troubling issue and that it was a difficult issue to align oneself on.

(2:34:18) A motion was made that based on the fact the FPPC found no intent to harm that the District honor the contract and pay the legal fees \$ 49,246.63 but not the fine in the amount of \$4500.00.

Motion: Chairperson Kellas
2nd: Director de la Rosa
Vote: 3/1

Roll Call: Kellas: Yes Giacoletti: Yes de la Rosa: Yes Donahue: No

7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS – (2:35:17)

Chairperson Kellas asked that discussion related to recouping frivolous complaints resulting in legal fees be added to the agenda. Director Donahue asked that RFP's for general management services, an RFP for legal services, and an RFP for operations and management services be added to future agendas. Director de la Rosa asked that discussion related to a no-camping ordinance be continued.

8. ADJOURNMENT @ 7:54 PM

**4.B. Consent Agenda Items:
Approval of March 8, 2022 Special Meeting Minutes**

MEETING MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS SPECIAL BOARD MEETING
Tuesday, March 8, 2022
3:30 pm

Pursuant to San Simeon CSD Resolution 22-441 and in compliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

1. OPEN SESSION: 3:33 PM

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

2. CLOSED SESSION:

Public Comment –

- (1:22) Henry Krzciuk commented.
- (2:50) Julie Tacker commented.
- (5:18) Mike Hanchett commented.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Government Code section §54956.9(d)(1)

Names of Cases – *Robert Hather v. San Simeon Community Services District, et al.*, U.S.

District Court Case No. 2:21-cv-04711

Robert Hather v. San Simeon Community Services District, et al., SLO Superior Court Case No. 22CVP-0008.

B. CONFERENCE WITH LEGAL COUNSEL - POTENTIAL LITIGATION

Pursuant to Government Code §54956.9(d)(2)

Title: Grace Environmental Services, LLC – Request for indemnity

******Reportable action from Closed Session occurred at the 5 PM Regular Session******

**4.C. Consent Agenda Items:
Approval of March 15, 2022 Special Meeting Minutes**

MEETING MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS SPECIAL BOARD MEETING
Tuesday, March 15, 2022
5:30 pm

Pursuant to San Simeon CSD Resolution 22-442 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

1. OPEN SESSION: 5:35 PM -

- A. Chairperson Kellas – Present
- Vice-Chairperson Giacoletti – Present
- Director de la Rosa – Absent
- Director Donahue – Present

2. BUSINESS ACTION ITEMS:

A. APPROVAL OF STILLWATER SCIENCES TO PERFORM OPTIONAL TASKS 6.1-6.2 OF THE INSTREAM FLOW MANAGEMENT PLAN NOT TO EXCEED THE AMOUNT OF \$27,000.00. (1:03)

Ken Jarrett and Tim Cleath from Stillwater Sciences were present at the meeting and discussed the need for the tasks 6.1 and 6.2.

Public Comment –
(3:35) Michael Hanchett commented.
(3:55) Henry Krzciuk commented.

(5:26) Director Donahue asked for clarification on the pump test study. Tim Cleath provided a response clarifying what the process would be.

(7:00) A motion was made to approve Stillwater Sciences to perform tasks 6.1 and 6.2.

Motion: Chairperson Kellas
2nd: Director Donahue
Vote: 3/0
Absent: de la Rosa

Roll Call: Kellas: Yes Giacoletti: Yes Donahue: Yes

B. ADOPTION OF RESOLUTION 22-443 APPROVING THE SYSTEM-WIDE WATER SUPPLY ASSESSMENT (WSA) AND REAPPROVING AND ADOPTING THE DISTRICT 2018 MASTER PLAN WITH THE WSA AS AN ADDENDUM THERETO. (7:40)

Tony Akel from Akel Engineering presented information related to the system-wide water supply assessment.

(15:45) Director Donahue asked for clarification on low-income housing.

Public Comment –
(17:00) Henry Krzciuk commented.
(20:12) Julie Tacker commented.
(22:10) Michael Hanchett commented.

(23:10) A motion was made to adopt Resolution 22-443 approving the system-wide water supply assessment and reapproving and adopting the District 2018 Master Plan.

Motion: Chairperson Kellas
2nd: Director Donahue
Vote: 3/0
Absent: de la Rosa

Roll Call: Kellas: Yes Giacoletti: Yes Donahue: Yes

(24:05) Director de la Rosa joined the meeting. Vice-Chairperson Giacoletti dropped of the meeting.

C. DISCUSSION ON PROCEDURE TO FILL THE VACANCY ON THE SAN SIMEON COMMUNITY SERVICES DISTRICT CREATED BY THE RESIGNATION OF DIRECTOR ROBERTA REINSTEIN; DIRECTION TO STAFF TO POST NOTICE OF VACANCY PURSUANT TO GOV'T CODE 1780; SCHEDULE A MEETING AT WHICH CANDIDATES WILL BE CONSIDERED AND THE APPOINTMENT MADE. (24:30)

Public Comment –
(25:12) Henry Krzciuk commented.

(26:05) A motion was made to direct staff to move forward with posting the notice of vacancy.

Motion: Chairperson Kellas
2nd: Director Donahue
Vote: 3/0
Absent: Vice-Chairperson Giacoletti

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

3. CLOSED SESSION:

Public Comment –
(26:57) Henry Krzciuk commented.
(28:48) Julie Tacker commented.
(31:15) Michael Hanchett commented.

(32:13) Vice-Chairperson Giacoletti rejoined the meeting.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: There was no reportable action

B. ADJOURNMENT – @ 7:33 PM

**4.D. Consent Agenda Items:
Review and Approval of Disbursements Journal**

SAN SIMEON COMMUNITY SERVICES DISTRICT

Disbursements Journal

April 2022

Type	Date	Num	Name	Memo	Paid Amount
Additional Disbursements issued in March, 2022 after BOD meeting:					
Check	03/09/2022	Elec Pymt	Safeguard Check Supply	Replenishment of blank check stock 3/9/22.	-316.27
Check	03/23/2022	Elec Pymt	USDA Loan Repayment	USDA loan payment - code all to 9020 during FY. Break out and recode principal on 6/30/21.	-10,345.00
Bill Pmt -Check	03/09/2022	2474	Micah B Rose aka Portable Welding	Welding repairs to rust spots on pipe bridge including primer of patched spots. Inv #15 dated 3/4/22.	-3,500.00
					<u>-14,161.27</u>
Disbursements April, 2022:					
Paycheck	04/12/2022	2395	GWEN KELLAS	Board Service March 2 through April 1, 2022.	-92.35
Paycheck	04/12/2022	2396	MARY P GIACOLETTI	Board Service March 2 through April 1, 2022.	-92.35
Bill Pmt -Check	04/12/2022	2397	Adamski Moroski Madden Cumberland & Green	General legal services through 2/28/22. Inv 57080 dated 3/29/22.	-10,305.00
Bill Pmt -Check	04/12/2022	2398	Grace Environmental Services	Operations Management April, 2022	-56,231.95
Bill Pmt -Check	04/12/2022	2399	Grace Environmental Services	Reimbursement FPPC legal costs. Indemnification approved 3/8/22. Inv 1524 dated 3/22/22.	-49,246.63
Bill Pmt -Check	04/12/2022	2400	SWRCB--ELAP State Water Resource Ctrl Bd	Annual ELAP fee - Environmental Laboratory Accreditation Program for WW Trmt Plant Facility. For April 2022-2023. Inv #EA-LA-0322-2880 dated 04/01/22.	-5,000.00
Bill Pmt -Check	04/12/2022	2401	Stillwater Sciences	Pico Creek instream flow management plan services through 2/27/22. Inv 9840002 dated 3/4/22.	-9,464.14
Bill Pmt -Check	04/12/2022	2402	SLO County - Environmental Health	Cross Connection direct and admin costs for facility id FA0004646. Inv 0137741 dated 02/28/22.	-55.10
Bill Pmt -Check	04/12/2022	2403	SLO County - Environmental Health	Cross Connection admin cost for facility id FA0004646. Inv 0137543 dated 12/29/21.	-39.50
Bill Pmt -Check	04/12/2022	2404	SLO County - Environmental Health	Cross Connection direct cost and admin cost for facility id FA0004646. Inv 0132876 dated 10/01/21.	-61.00
Bill Pmt -Check	04/12/2022	2405	Simply Clear Marketing & Media	Monthly Website Service and Mgt fee service period Apr 21 - May 20, 2022. Inv 43335 dated 3/17/22.	-400.00
Bill Pmt -Check	04/12/2022	2406	New Times	Public notice re: RFP for ocean outfall pipeline repairs andp public notice re: vacancy on board of directors. Invoices dated 3/3, 3/10, and 3/24/22.	-162.00
Bill Pmt -Check	04/12/2022	2407	Micah B Rose aka Portable Welding	Repairs to pipe bridge including new pipe, support for pipe, and primer welded spots. Inv #16 dated 3/11/22.	-2,500.00
Bill Pmt -Check	04/12/2022	2408	McClatchy Company LLC	Public notice re: RFP for ocean outfall pipeline repairs. Ad date 2/27/22. Inv 98611 dated 2/28/22.	-46.86
Bill Pmt -Check	04/12/2022	2409	Lori Mather Video Services	Video services for regular board meeting 4/12/2022. Invoice# 4/1/22.	-300.00
Bill Pmt -Check	04/12/2022	2410	Kathleen Fry Bookkeeping Services	Additional bookkeeping services: RFP for audit, USDA loan reserves, assist with Rate Study, meet C.Grace, attend March Budget mtg. Svc Period Jan 1 - Mar 31, 2022. Invoice dated 3/31/22.	-1,203.75
Bill Pmt -Check	04/12/2022	2411	Kathleen Fry Bookkeeping Services	Bookkeeping services March 2022. Inv CSD-2022-03 dated 03/31/22.	-1,500.00
Bill Pmt -Check	04/12/2022	2412	Dudek	Prof Svcs re: Coastal Hazard Response Plan (CHRP) services through 02/25/22. Inv 202201784 dated 03/23/22.	35,445.00

April 12, 2022 Board Meeting Packet

SAN SIMEON COMMUNITY SERVICES DISTRICT
Disbursements Journal
April 2022

Type	Date	Num	Name	Memo	Paid Amount
Bill Pmt -Check	04/12/2022	2413	Cooperative Strategies	Prof svcs re: Trustee Area Creation to move toward By-Trustee-Area elections per CVRA. Inv 2135181 dated 3/31/22.	-3,300.00
Bill Pmt -Check	04/12/2022	2414	Cooperative Strategies	Prof svcs re: Trustee Area Creation to move toward By-Trustee-Area elections per CVRA. Inv 2135081 dated 2/28/22.	-3,800.00
Bill Pmt -Check	04/12/2022	2415	Adamski Moroski Madden Cumberland & Green	Legal fees re: Hather litigation through 2/28/22. Inv 57081 dated 3/29/22.	-3,469.00
Liability Check	04/25/2022	Elec Pymt	United States Treasury (US Treasury)	Payroll tax payment for paychecks issued current month. April, 2022.	-30.60
Check	04/25/2022	Elec Pymt	CalPERS Fiscal Svcs Div	Retiree Health monthly premium.	-383.85
Check	04/25/2022	Elec Pymt	CalPers Fiscal Svcs Divn	Monthly Unfunded Accrued Liability payment. Cust. ID # 7226734344.	-1,349.42
					-151,714.63

**4.E. Consent Agenda Items:
Adoption of Resolution 22-444**



CONSENT AGENDA ITEM STAFF REPORT

ITEM 4.E. ADOPTION OF RESOLUTION 22-444 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS AB 361.

Summary

At a Special Meeting on September 30, 2021, the Board approved District Resolution 21-433 to continue virtual meetings of the Board of Directors and District committees pursuant to AB 361. AB 361 requires periodic review of the determination for a legislative body to continue to meet via teleconference, and if a state of emergency remains active, then no later than 30 days after meeting via teleconference, the body must make a subsequent finding that it “has reconsidered the circumstances of the state of emergency” and determined that in-person meetings continue to pose a risk to public health. During the March 8, 2022 meeting, the Board approved Resolution 22-442 which extended the “state of emergency” for an additional 30 days. Resolution 21-444 extends the “state of emergency” for an additional 30 days to allow continued virtual meetings.

Possible Options:

- 1) The Board may direct the meetings be held in person.
- 2) The Board may direct that the meetings remain being held via teleconference.

RESOLUTION NO. 22-444

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT PROCLAIMING A LOCAL EMERGENCY PERSISTS, RE-RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY THE GOVERNOR ISSUED ON MARCH 4, 2020, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODIES OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT FOR THE PERIOD OF APRIL 12, 2022, TO MAY 12, 2022, PURSUANT TO BROWN ACT PROVISIONS

Recitals

WHEREAS, the San Simeon Community Services District ("District") is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, Number 21-433 on September 30, 2021, finding that the requisite conditions exist for the legislative bodies of the District to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District, and the Board of Directors has done so; and

WHEREAS, emergency conditions persist in the District, specifically, the State of Emergency declared by Governor Newsom on March 4, 2020, due to COVID-19, and strong recommendations by the California Department of Public Health that all persons, regardless of vaccination status, continue to undertake social distancing measures including wearing masks while in indoor public settings; and

WHEREAS, the Board of Directors does hereby find that the rise in SARS-CoV-2 Delta and Omicron variants have caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and desires to affirm a local emergency exists and re-ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency persisting, the Board of Directors does hereby find that the legislative bodies of the District shall continue to conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Board of Directors will ensure that the public has access to meetings and the opportunity to participate in meetings in the interest of transparency and as required by AB 361.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Directors of the San Simeon Community Services District, as follows:

1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. Affirmation that Local Emergency Persists. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency persists throughout the District, and COVID-19 has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District.
3. Re-ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency, effective as of its issuance date of March 4, 2020.
4. Remote Teleconference Meetings. The General Manager and Staff of the District are hereby authorized and directed to take all actions necessary to carry out the

intent and purpose of this Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

- 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) May 12, 2022 or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

ADOPTED by the Board of Directors of the San Simeon Community Services District on April 12, 2022, by the following roll call votes:

AYES:
NOES:
ABSENT:
ABSTAINED:

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

ATTEST:

Charles Grace, General Manager of the
San Simeon Community Services District

APPROVED AS TO FORM:

Jeffrey A. Minnery, District Counsel

4.F. Consent Agenda Items:

Approval of the Chairpersons appointment of Daniel de la Rosa to serve as the Budget Committee Chairperson.



CONSENT AGENDA ITEM STAFF REPORT

ITEM 4.F. APPROVAL OF CHAIRPERSONS APPOINTMENT OF DANIEL DE LA ROSA TO SERVE AS THE BUDGET COMMITTEE CHAIRPERSON.

Summary:

During the February 8, 2022 Board meeting the Board voted to appoint the following persons to the budget standing committee:

- Budget Committee - Michael Hanchett, Luz Hernandez, and Miguel Sandoval.

Discussion:

A concerned citizen emailed the Board regarding the lack of a Board member on the budget committee. Language in section 13.02 of the Policy and Procedures manual requires that at least one (1) Board member be on a standing committee. A Board member needs to serve as the Committee Chair.

Recommendation:

The Chairperson is recommending that Director Daniel de la Rosa be appointed to serve as the budget committee Chairperson.

**4.G. Consent Agenda Items:
Review and Approval of the monthly stipend amount for board
members.**



CONSENT AGENDA ITEM STAFF REPORT

ITEM 4.G. REVIEW AND APPROVAL OF THE MONTHLY MEETING STIPEND AMOUNT FOR BOARD MEMBERS.

Summary:

At the February Board meeting the Board reviewed and updated the Policy & Procedures Manual (P&P) for the District. During this discussion, the Board directed Staff to bring this matter back to the Board for an annual review of the monthly stipend amount.

The District's P&P states the following:

2.05 Remuneration. Members of the Board of Directors shall receive a monthly stipend, the amount of which shall be annually established by the Board as set forth in the adopted budget. However, a member of the Board who does not attend the regular monthly meeting of the Board is not entitled to the monthly stipend.

Discussion:

Currently, Board members receive a monthly stipend in the amount of \$100.00. This amount does not cover payment for Special Meetings. Additionally, of the four current Board members only two members receive the monthly stipend amount. On an annual basis the stipend amount is currently \$2400.00 with the potential to reach as much as \$6000.00.

GES Staff contacted several CSD's to obtain stipend amount information.

- Templeton CSD: \$150 per meeting (caps out at \$600.00 per month)
- Ocean CSD: \$100 per meeting, \$50 committee meeting stipend (caps out at \$600.00 per month)
- San Miguel CSD: \$100 per meeting (caps out \$600.00 per month)

Recommendation:

The Chairperson is recommending that due to the increase in meeting length and meeting frequency that the monthly stipend amount for Board members increase to \$125.00 for both Regular and Special Board meetings. (Caps out at \$600.00 per month)

4.H. Consent Agenda Items:
**Review and Approval of a formal capitalization policy for the San
Simeon CSD**



CONSENT AGENDA ITEM STAFF REPORT

ITEM 4.H. REVIEW AND APPROVAL OF A FORMAL CAPITALIZATION POLICY FOR THE SAN SIMEON CSD.

Summary:

A draft copy of a capitalization policy was placed in front the budget committee during their March 21, 2022 meeting. During the meeting the committee reached a consensus to present the draft version of the policy to the auditor and the Board. Staff presented a copy of the draft policy to Adam Guise (Moss, Levy, and Hartzheim, LLC) for his feedback. This feedback from the District auditor was incorporated into the version of the policy that is being placed in front of the Board.

Recommendation:

- 1) The Board may choose to adopt the policy as is.
- 2) The Board may choose to provide input and suggest language revisions to the policy. Or the Board could choose to return the revised policy to the Budget Committee so that they can perform a second and final review of the policy.

As the budget committee and the Board work towards the creation and approval of additional financial policies, these policies should be incorporated into the existing policy and procedures manual for the District. Staff is also asking that the capitalization policy be adopted on or before July 1, 2022 (new fiscal year).

Enc: Draft version of the proposed capitalization policy

Draft Capitalization Policy:

It is the intention of the Board to capitalize expenditures in excess of \$5,000.00. Expenditures under \$5,000.00 will be expensed in the "current" fiscal year and will show on the statement of revenues and expenses as an operating expense.

District assets will be capitalized as follows:

- 1) Land will be capitalized regardless of cost. Land is not depreciated.
- 2) Expenditures over \$5,000.00 that are associated with a current capital improvement project (CIP) shall be coded directly to that asset.
- 3) Expenditures over \$5,000.00 that are not associated with a current CIP shall be coded to the expense account 9030–Capital Projects/Improvements. Expenditures towards all repair/maintenance/replacement projects will be tracked and if the final total of combined expenditures for a single project is over \$5,000 then it will be evaluated at year end to determine if those expenditures get capitalized. This applies to a situation where a project is deemed to have a useful life of greater than one year and has multiple minor expenses but results in a large enough sum to consider the project as an improvement to the district's capital assets.

Account 9030–Capital Projects/Improvements shall be evaluated on an annual basis as part of the audit process to determine if the expenditures qualify as capital expenditures or expenses.

- 4) The capitalization threshold may not apply in certain situations, such as if an invoice for 10 desks shows a total of \$10,000 but each desk is an identifiable unit valued at \$1,000 per desk – then the expenditure would be expensed and not capitalized.

5.A. Public Hearing Item



PUBLIC HEARING ITEM STAFF REPORT

ITEM 5.A. CONSIDERATION OF INPUT FROM THE COMMUNITY REGARDING THE VOTING AREAS SCENARIOS FOR A DISTRICT BASED ELECTION SYSTEM.

Summary:

The purpose of this hearing will be to continue seeking public input and provide direction on the three area maps included in the Board packet. This is the last Public Hearing.

The Board adopted resolution 21-430 at the January 11, 2021 Board meeting declaring its intent to transition to by-area elections by November 2022. The District currently elects its Board through an at-large electoral system. The California Voting Rights Act (CVRA) allows for legal challenges alleging that an at-large system has resulted in racially polarized voting within a jurisdiction and seeking a court order that a jurisdiction convert to a by-area election system. Three (3) “pre-map” Public Hearings occurred in January, February, and in March to allow for public input on by-area maps. This input was incorporated into the 3 voting map scenarios that are being placed in front of the Board. The final public hearing will be held on May 10, 2022.

Discussion:

The purpose of this Public Hearing is to involve the public in the mapping process and for the Board to approve a final map. Some considerations that went into establishing the voting areas are but not limited to:

- 1) Each area shall contain nearly equal number of inhabitants.
- 2) Drawn to comply with the Federal Voting Rights Act.
- 3) Compact and contiguous, as much as possible.
- 4) Respect communities of interest, as much as possible.
- 5) Follow man-made and natural geographic features, as much as possible.
- 6) Respect incumbency, if possible.
- 7) Any other local considerations.

District staff and the demographer will then work with the County Elections Office to have the division maps integrated into the countywide voting system. The first by-division election will be held in November 2022.

Recommendation:

It is recommended that the Board take the following actions:

- 1) Receive a report on the potential mapping areas from David Lopez.
- 2) Conduct a public hearing to receive public input.
- 3) Approve one of the three mapping scenarios.

Enc: Cooperative Strategies Presentation –
Scenario 1
Scenario 2
Scenario 3



▶ **TRUSTEE AREA
PROCESS**

SAN SIMEON COMMUNITY
SERVICE DISTRICT

APRIL 12, 2022

 **COOPERATIVE
STRATEGIES**
ASSESS • PLAN • FUND • BUILD

April 12, 2022 Board Meeting Packet

▶ TRUSTEE AREA PROCESS

DATE	ACTIVITY
January 31, 2022	Board Meeting: First Pre Map Public Hearing and Presentation
February 8, 2022	Board Meeting: Second Pre Map Public Hearing and Presentation
February-March 2022	Preparation of draft trustee area scenarios
March 8, 2022	Board Meeting: Public Hearing and Informative Discussion Item on Trustee Area Scenarios
April 12, 2022	Board Meeting: Public Hearing on Trustee Area Scenarios
May 10, 2022	Board Meeting: Public Hearing on Trustee Area Scenarios Board Selection of Voting Area Map
May 2022	Cooperative Strategies sends Final Voting Area Map to the County Registrar of Voters
November 8, 2022	First Election Held Utilizing Trustee Areas

▶ CONSIDERATIONS IN TRUSTEE AREAS



Each area shall contain nearly equal number of inhabitants



Follow man-made and natural geographic features, as much as possible



Drawn to comply with the Federal Voting Rights Act



Respect incumbency, if possible



Compact and contiguous, as much as possible



Other local considerations (i.e., school boundaries, locations of school sites)



Respect communities of interest, as much as possible

▶ **DISTRICT DEMOGRAPHICS**
2010 and 2020 CENSUS DATA COMPARISON

2010 to 2020 Census Comparison (Trustee Area Creation)

Population	2010 Census		2020 Census		Change	
	Total	Percent	Total	Percent	Population	Percent
Hispanic/Latino	249	55.3%	296	66.5%	47	18.9%
White	181	40.2%	125	28.1%	-56	-30.9%
Black/ African American	1	0.2%	0	0.0%	-1	-100.0%
American Indian/Alaska Native	5	1.1%	2	0.4%	-3	-60.0%
Asian	6	1.3%	10	2.2%	4	66.7%
Native Hawaiian/ Pacific Islander	0	0.0%	0	0.0%	0	0.0%
Other	0	0.0%	0	0.0%	0	0.0%
Two or More Races	8	1.8%	12	2.7%	4	50.0%
Total Population	450	100%	445	100%	-5	-1.1%

**Source: Statewide 2021 Redistricting Database (Sept 27 file) (Census 2020)*

► DISTRICT DEMOGRAPHICS 2020 CENSUS DATA

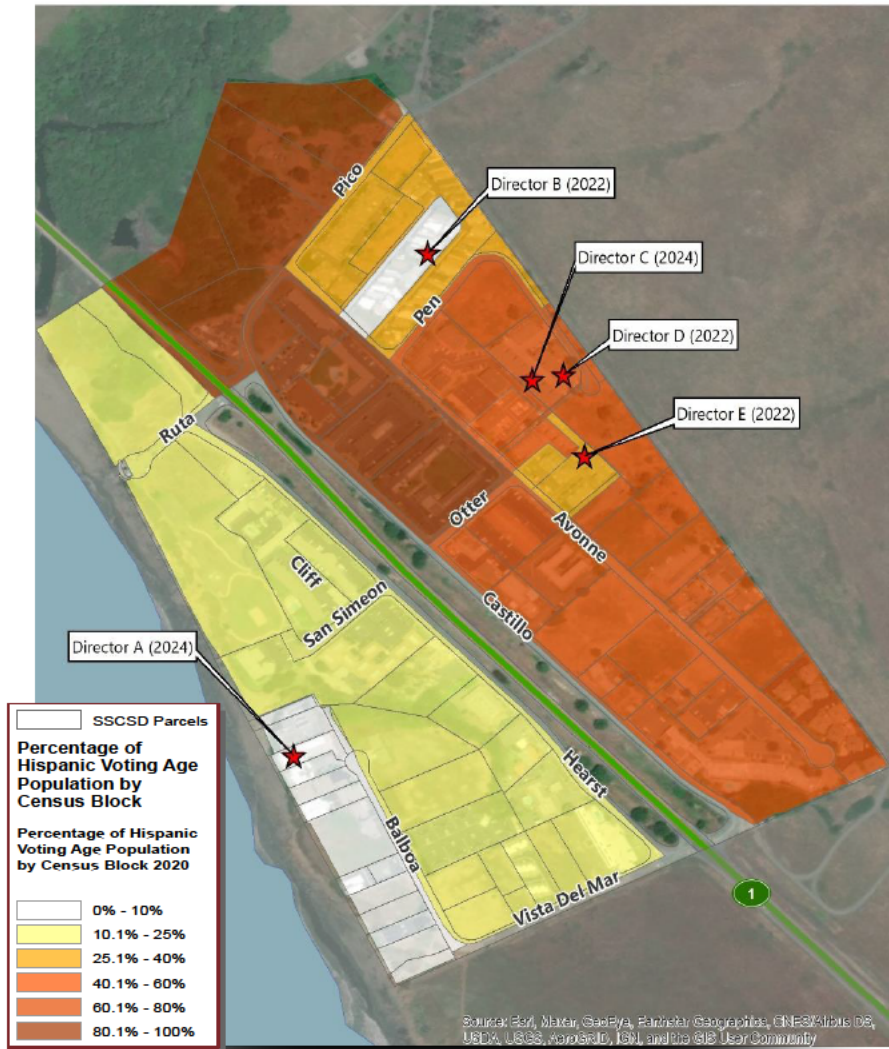


Population	Total Population		Age 18 and over	
	Total	%	Total	%
Hispanic/Latino	296	66.5%	197	58.1%
White	125	28.1%	119	35.1%
Black / African American	0	0.0%	0	0.0%
American Indian /Alaska Native	2	0.4%	2	0.6%
Asian	10	2.2%	10	2.9%
Hawaiian/ Pacific Islander	0	0.0%	0	0.0%
Two or More Races	0	0.0%	0	0.0%
Other	12	2.7%	11	3.2%
Total	445	100%	339	100%

*Source: Statewide 2021 Redistricting Database (Sept 27 file) (Census 2020)

▶ DISTRICT DEMOGRAPHICS

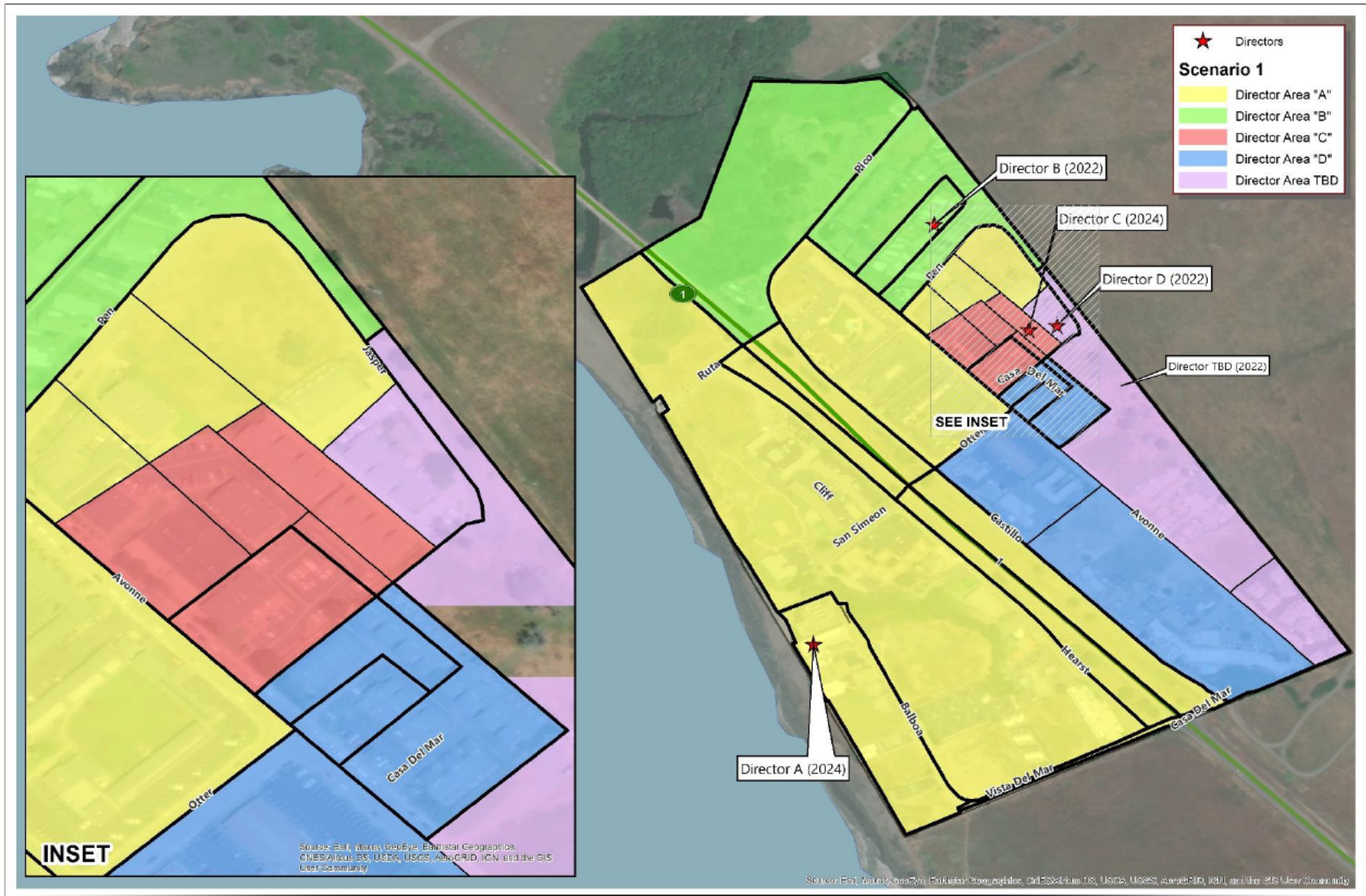
CITIZEN VOTING AGE POPULATION ESTIMATES



Population	2015-2019 CVAP	
	Total	%
Hispanic/Latino	103	46.8%
White	97	44.1%
Black / African American	0	0.0%
American Indian / Alaska Native	0	0.0%
Asian	20	9.1%
Hawaiian/ Pacific Islander	0	0.0%
Two or More Races	0	0.0%
Total	220	100%

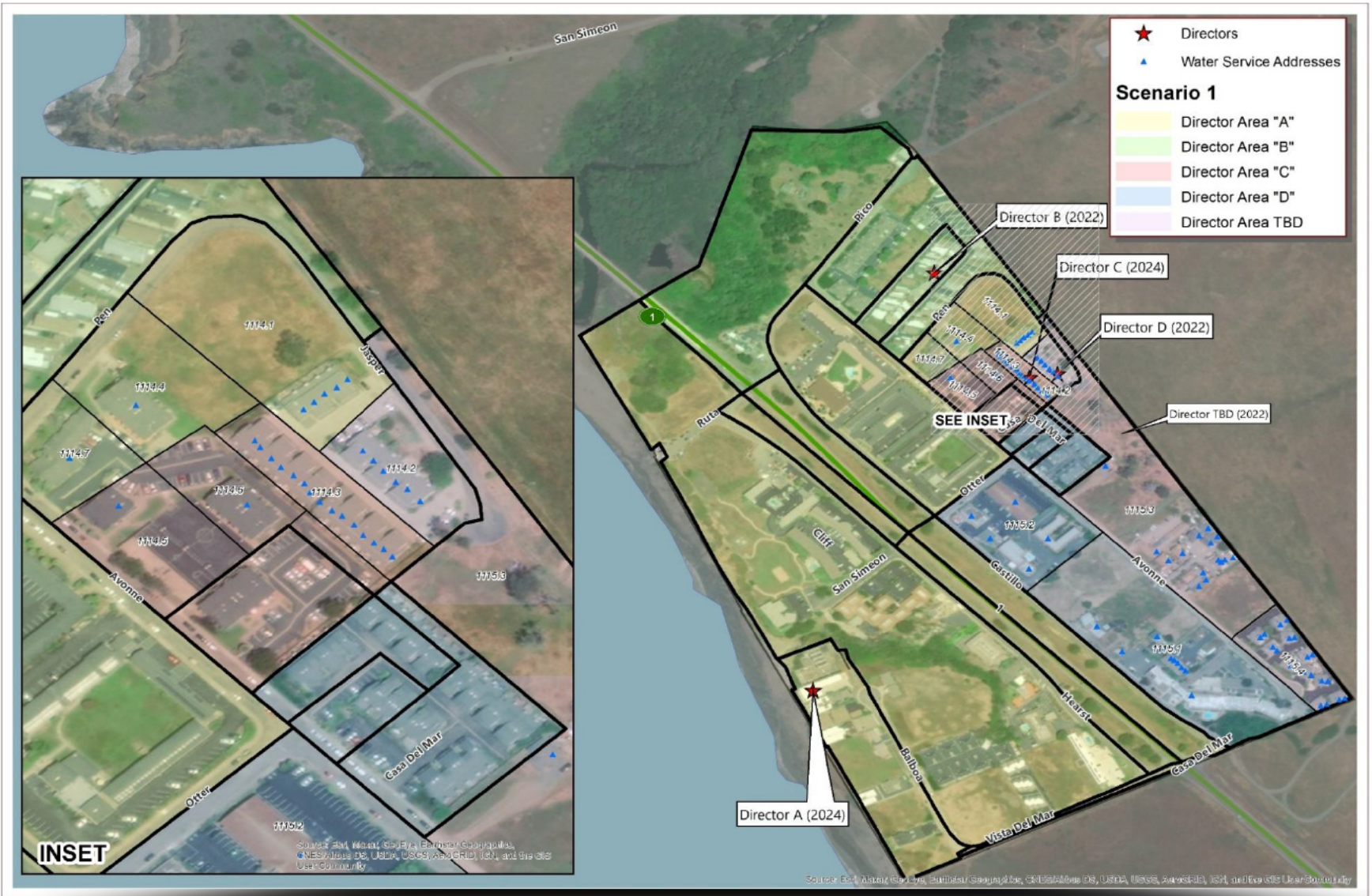
*Source: American Community Survey, 2015-2019 Data

▶ CONCEPTUAL VOTING AREAS SCENARIO 1



▶ CONCEPTUAL VOTING AREAS

SCENARIO 1



► DEMOGRAPHICS SCENARIO 1

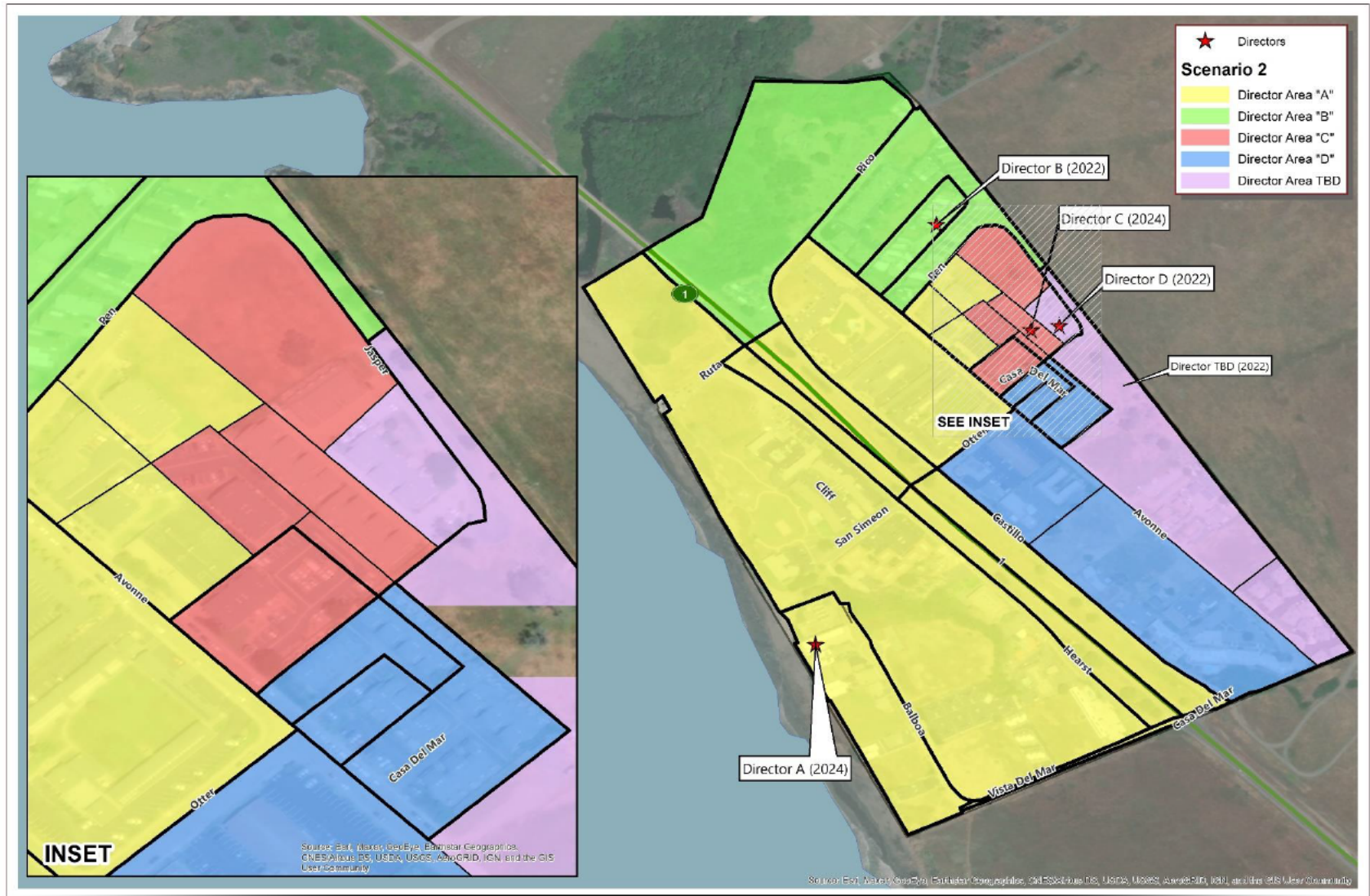
Total Population: 445 Ideal Director Area Size: 89 Total Variance: 7.9%

DIRECTOR AREA	Director Area A		Director Area B		Director Area C		Director Area D		Director Area TBD	
TP* vs. CVAP**	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP
Population	88	45	87	55	94	34	88	49	88	37
Population Variance	-1.1%	N/A	-2.2%	N/A	5.6%	N/A	-1.1%	N/A	-1.1%	N/A
Hispanic/Latino	64.8%	37.8%	42.5%	25.5%	85.1%	64.7%	68.2%	49.0%	75.0%	64.9%
White	27.3%	40.0%	55.2%	70.9%	9.6%	26.5%	26.1%	38.8%	22.7%	35.1%
Black/African American	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/Alaska Native	0.0%	0.0%	0.0%	0.0%	1.1%	0.0%	0.0%	0.0%	0.0%	0.0%
Asian	4.5%	22.2%	1.1%	3.6%	1.1%	8.8%	3.4%	12.2%	0.0%	0.0%
Native Hawaiian/Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	3.4%	0.0%	1.1%	0.0%	3.2%	0.0%	2.3%	0.0%	2.3%	0.0%

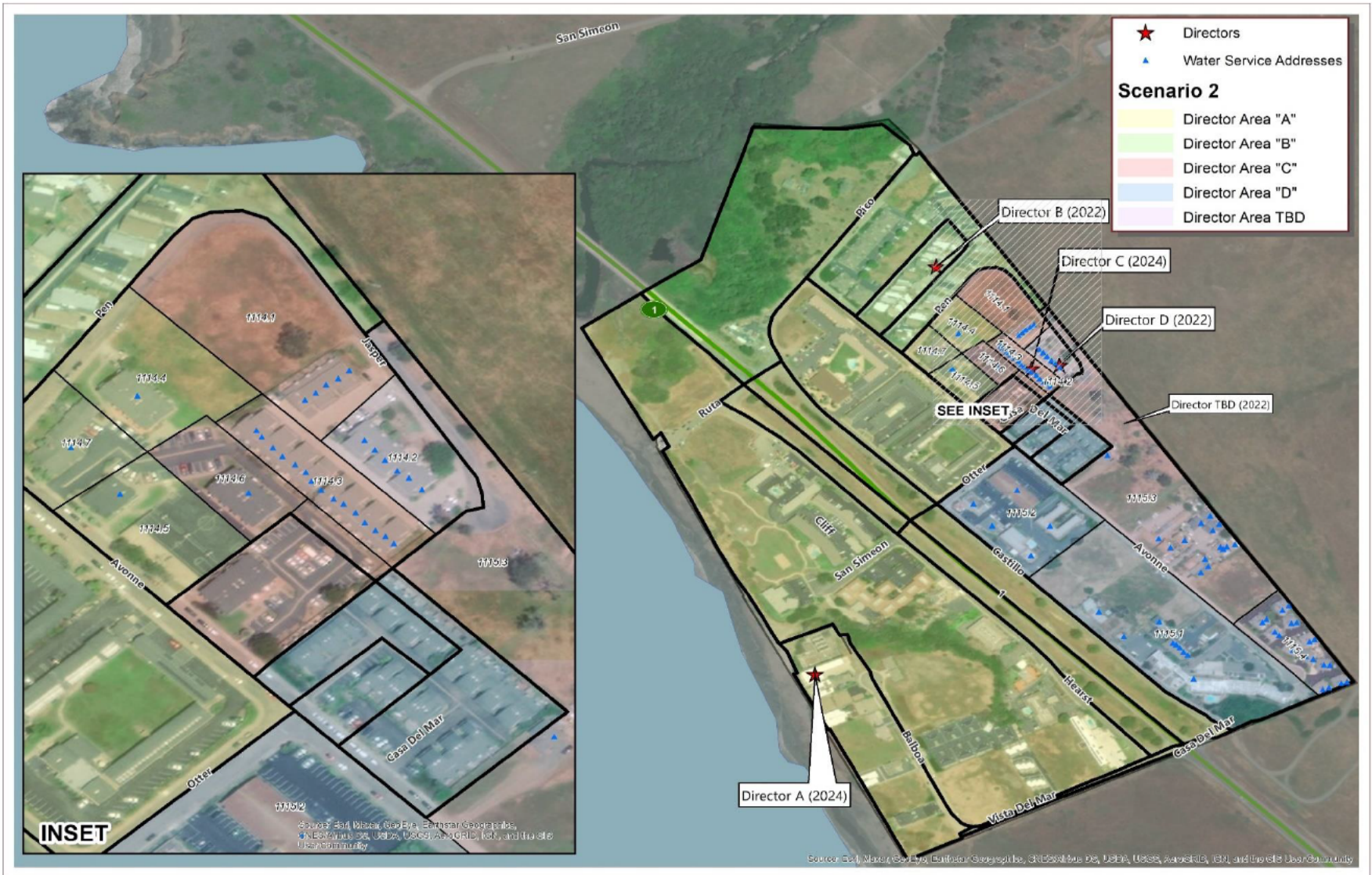
*Total Population; Source: Redistricting Database for California, Published by Statewide Database on September 27, 2021

**Citizen Voting Age Population (CVAP); Source: American Community Survey, 2015-2019 Data

▶ CONCEPTUAL VOTING AREAS SCENARIO 2



▶ CONCEPTUAL VOTING AREAS SCENARIO 2



► DEMOGRAPHICS SCENARIO 2

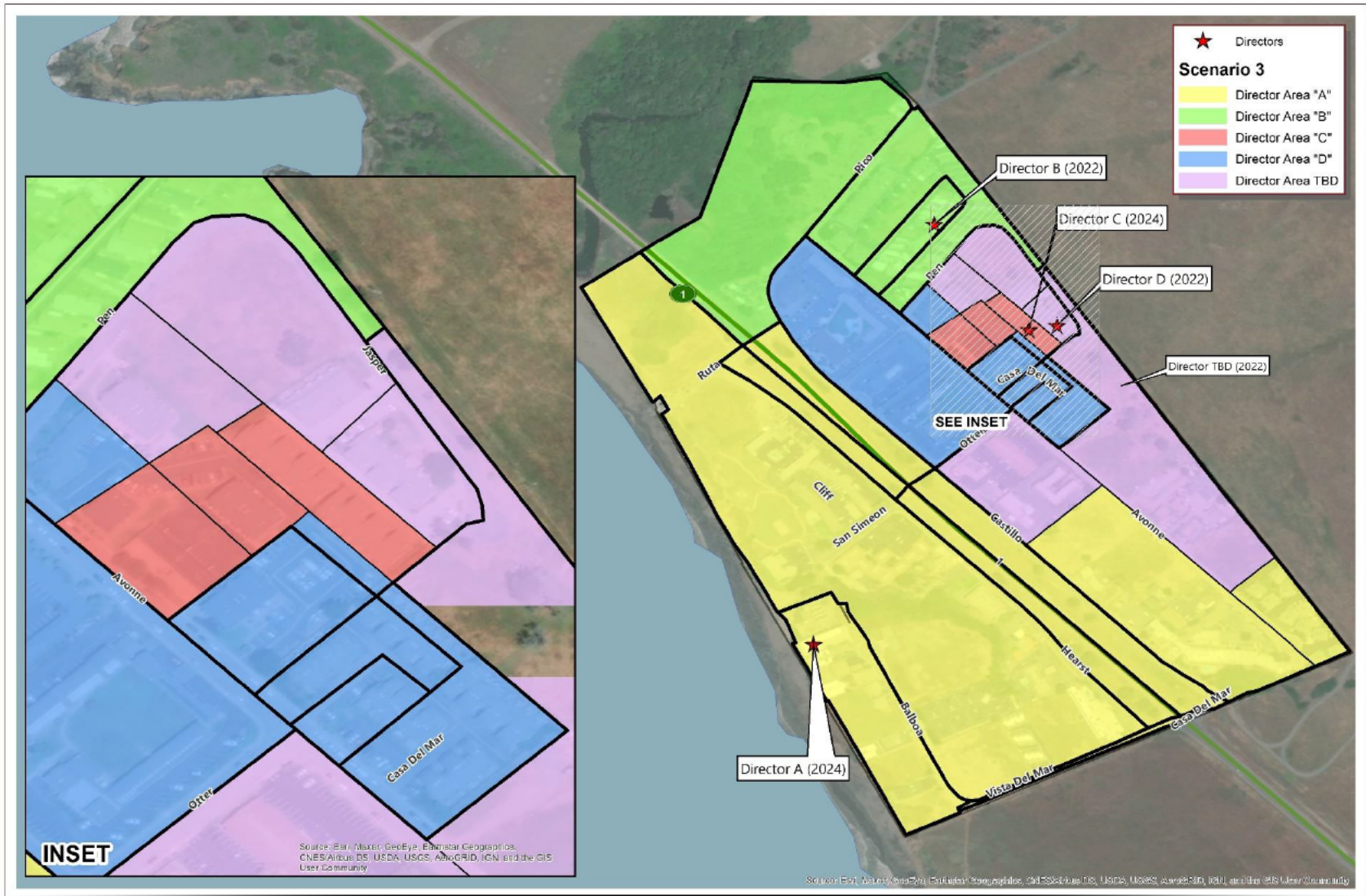
Total Population: 445 Ideal Director Area Size: 89 Total Variance: 9.0%

DIRECTOR AREA	Director Area A		Director Area B		Director Area C		Director Area D		Director Area TBD	
TP* vs. CVAP**	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP
Population	95	47	87	55	87	32	88	49	88	37
Population Variance	6.7%	N/A	-2.2%	N/A	-2.2%	N/A	-1.1%	N/A	-1.1%	N/A
Hispanic/Latino	66.3%	36.2%	42.5%	25.5%	85.1%	68.8%	68.2%	49.0%	75.0%	64.9%
White	26.3%	40.4%	55.2%	70.9%	9.2%	25.0%	26.1%	38.8%	22.7%	35.1%
Black/African American	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/Alaska Native	0.0%	0.0%	0.0%	0.0%	1.1%	0.0%	0.0%	0.0%	0.0%	0.0%
Asian	4.2%	23.4%	1.1%	3.6%	1.1%	6.3%	3.4%	12.2%	0.0%	0.0%
Native Hawaiian/Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	3.2%	0.0%	1.1%	0.0%	3.4%	0.0%	2.3%	0.0%	2.3%	0.0%

*Total Population; Source: Redistricting Database for California, Published by Statewide Database on September 27, 2021

**Citizen Voting Age Population (CVAP); Source: American Community Survey, 2015-2019 Data

▶ CONCEPTUAL VOTING AREAS SCENARIO 3



▶ CONCEPTUAL VOTING AREAS

SCENARIO 3



► DEMOGRAPHICS SCENARIO 3

Total Population: 445 Ideal Director Area Size: 89 Total Variance: 5.6%

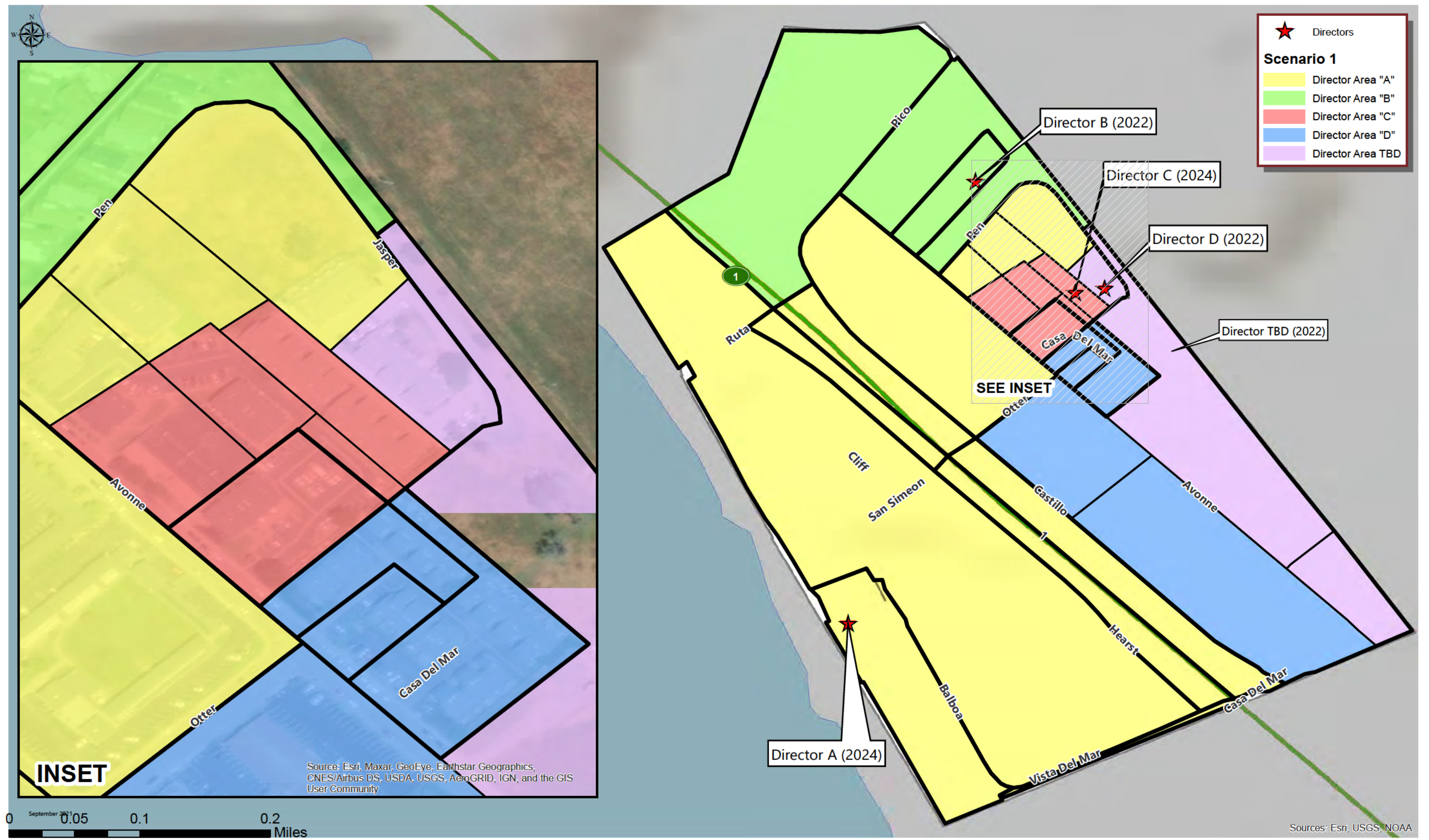
DIRECTOR AREA	Director Area A		Director Area B		Director Area C		Director Area D		Director Area TBD	
TP* vs. CVAP**	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP
Population	87	51	87	55	87	32	92	45	92	37
Population Variance	-2.2%	N/A	-2.2%	N/A	-2.2%	N/A	3.4%	N/A	3.4%	N/A
Hispanic/Latino	55.2%	37.3%	42.5%	25.5%	87.4%	65.6%	68.5%	48.9%	82.6%	67.6%
White	35.6%	47.1%	55.2%	70.9%	9.2%	25.0%	23.9%	35.6%	16.3%	29.7%
Black/African American	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/Alaska Native	0.0%	0.0%	0.0%	0.0%	1.1%	0.0%	0.0%	0.0%	0.0%	0.0%
Asian	4.6%	15.7%	1.1%	3.6%	1.1%	9.4%	3.3%	15.6%	0.0%	2.7%
Native Hawaiian/Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	4.6%	0.0%	1.1%	0.0%	1.1%	0.0%	4.3%	0.0%	1.1%	0.0%

*Total Population; Source: Redistricting Database for California, Published by Statewide Database on September 27, 2021

**Citizen Voting Age Population (CVAP); Source: American Community Survey, 2015-2019 Data



QUESTIONS



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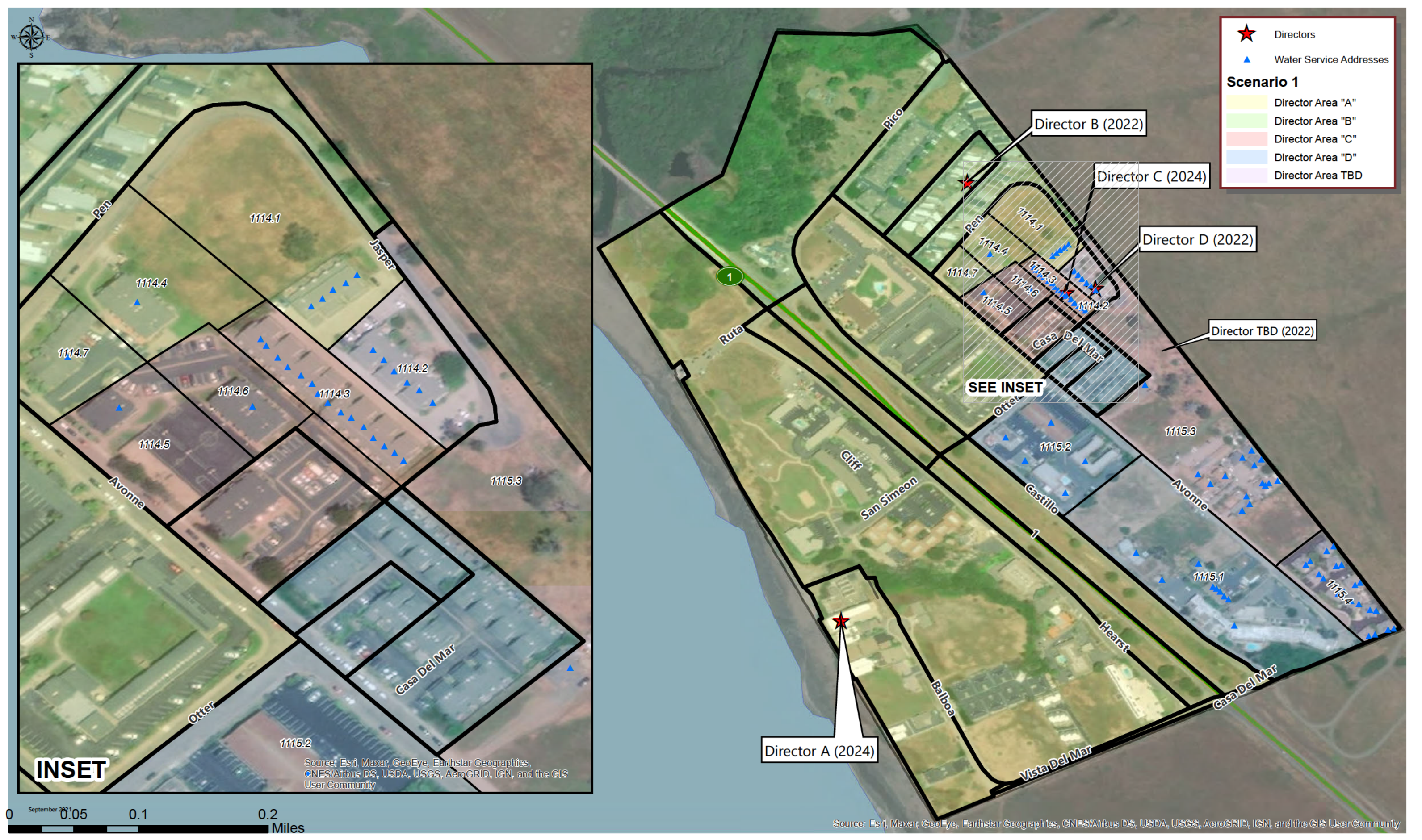
CONCEPTUAL DIRECTOR AREAS - SCENARIO 1

Total Population:	445	Ideal Population:	89	Variance:	7.9%
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Total Population (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	88	87	94	88	88
Population Variance	-1	-2	5	-1	-1
	-1.1%	-2.2%	5.6%	-1.1%	-1.1%
Hispanic/Latino	64.8%	42.5%	85.1%	68.2%	75.0%
White	27.3%	55.2%	9.6%	26.1%	22.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.1%	0.0%	0.0%
Asian	4.5%	1.1%	1.1%	3.4%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	3.4%	1.1%	3.2%	2.3%	2.3%

Population 18 and Over (2020 Census)					
	Director Area 1	Director Area 2	Director Area 3	Director Area 4	Director Area 5
Population	64	77	61	72	65
Hispanic/Latino	56.3%	35.1%	77.0%	62.5%	72.3%
White	32.8%	62.3%	14.8%	30.6%	27.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.6%	0.0%	0.0%
Asian	6.3%	1.3%	1.6%	4.2%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	4.7%	1.3%	4.9%	2.8%	0.0%

Citizens by Voting Age Population Estimate (2015-2019)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	45	55	34	49	37
Hispanic/Latino	37.8%	25.5%	64.7%	49.0%	64.9%
White	40.0%	70.9%	26.5%	38.8%	35.1%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	0.0%	0.0%	0.0%
Asian	22.2%	3.6%	8.8%	12.2%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	0.0%	0.0%	0.0%	0.0%	0.0%



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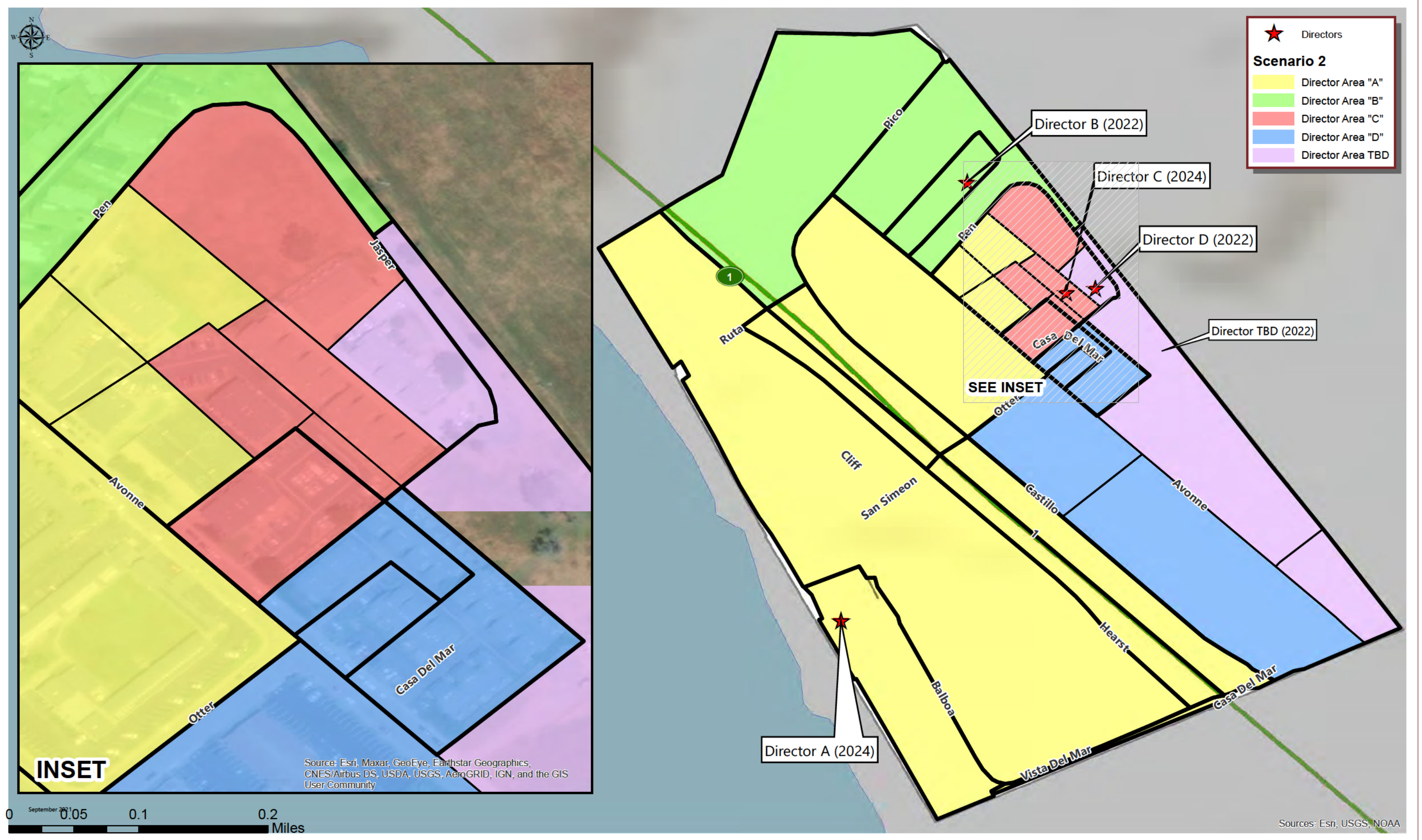
CONCEPTUAL DIRECTOR AREAS - SCENARIO 1

Total Population:	445	Ideal Population:	89	Variance:	7.9%
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Total Population (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	88	87	94	88	88
Population Variance	-1	-2	5	-1	-1
	-1.1%	-2.2%	5.6%	-1.1%	-1.1%
Hispanic/Latino	64.8%	42.5%	85.1%	68.2%	75.0%
White	27.3%	55.2%	9.6%	26.1%	22.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.1%	0.0%	0.0%
Asian	4.5%	1.1%	1.1%	3.4%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	3.4%	1.1%	3.2%	2.3%	2.3%

Population 18 and Over (2020 Census)					
	Director Area 1	Director Area 2	Director Area 3	Director Area 4	Director Area 5
Population	64	77	61	72	65
Hispanic/Latino	56.3%	35.1%	77.0%	62.5%	72.3%
White	32.8%	62.3%	14.8%	30.6%	27.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.6%	0.0%	0.0%
Asian	6.3%	1.3%	1.6%	4.2%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	4.7%	1.3%	4.9%	2.8%	0.0%

Citizens by Voting Age Population Estimate (2015-2019)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	45	55	34	49	37
Hispanic/Latino	37.8%	25.5%	64.7%	49.0%	64.9%
White	40.0%	70.9%	26.5%	38.8%	35.1%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	0.0%	0.0%	0.0%
Asian	22.2%	3.6%	8.8%	12.2%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	0.0%	0.0%	0.0%	0.0%	0.0%



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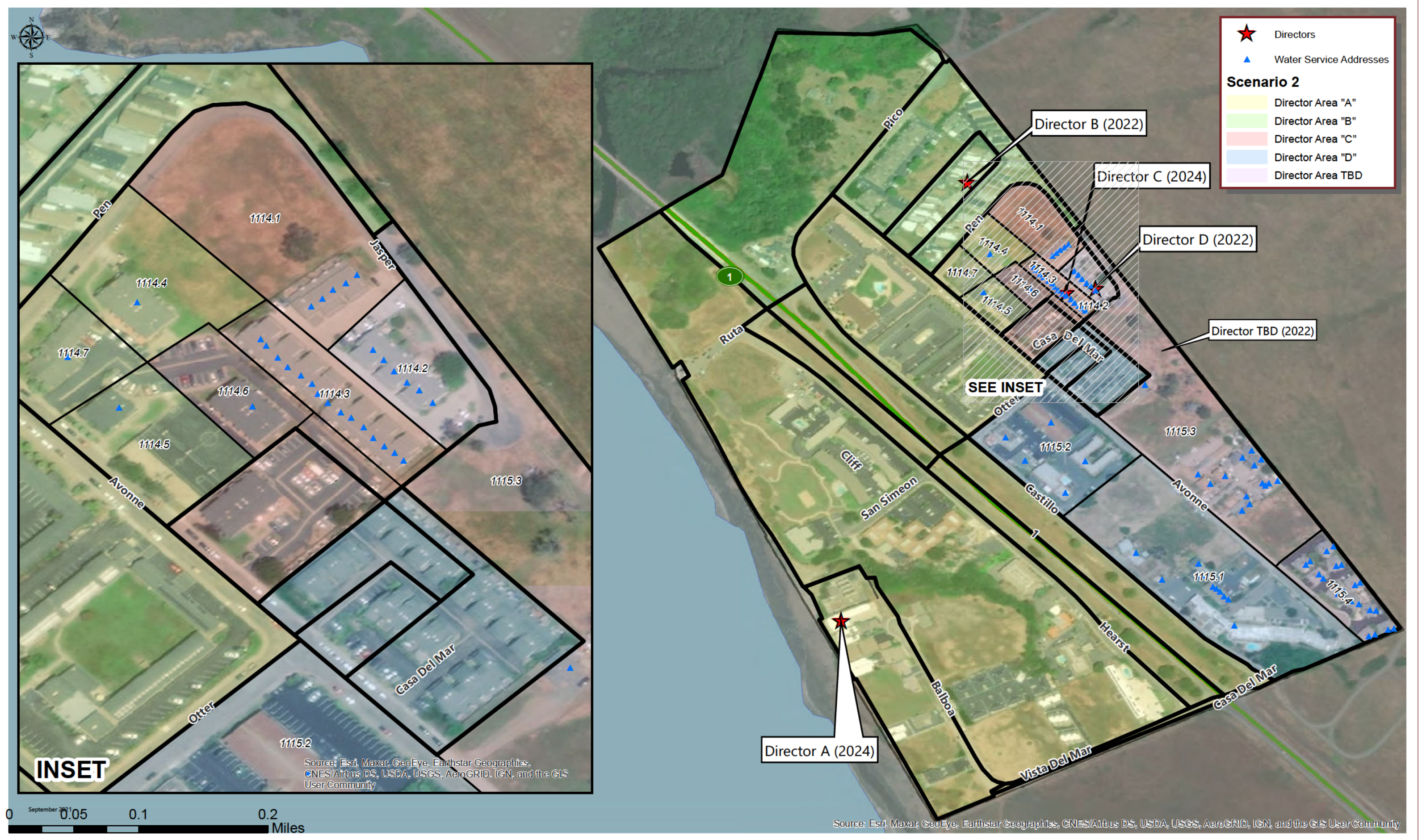
CONCEPTUAL DIRECTOR AREAS - SCENARIO 2

Total Population:	445	Ideal Population:	89	Variance:	9.0%
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Total Population (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	95	87	87	88	88
Population Variance	6	-2	-2	-1	-1
	6.7%	-2.2%	-2.2%	-1.1%	-1.1%
Hispanic/Latino	66.3%	42.5%	85.1%	68.2%	75.0%
White	26.3%	55.2%	9.2%	26.1%	22.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.1%	0.0%	0.0%
Asian	4.2%	1.1%	1.1%	3.4%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	3.2%	1.1%	3.4%	2.3%	2.3%

Population 18 and Over (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	68	77	57	72	65
Hispanic/Latino	57.4%	35.1%	77.2%	62.5%	72.3%
White	32.4%	62.3%	14.0%	30.6%	27.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.8%	0.0%	0.0%
Asian	5.9%	1.3%	1.8%	4.2%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	4.4%	1.3%	5.3%	2.8%	0.0%

Citizens by Voting Age Population Estimate (2015-2019)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	47	55	32	49	37
Hispanic/Latino	36.2%	25.5%	68.8%	49.0%	64.9%
White	40.4%	70.9%	25.0%	38.8%	35.1%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	0.0%	0.0%	0.0%
Asian	23.4%	3.6%	6.3%	12.2%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	0.0%	0.0%	0.0%	0.0%	0.0%



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CONCEPTUAL DIRECTOR AREAS - SCENARIO 2

Total Population:	445	Ideal Population:	89	Variance:	9.0%
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Total Population (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	95	87	87	88	88
Population Variance	6	-2	-2	-1	-1
	6.7%	-2.2%	-2.2%	-1.1%	-1.1%
Hispanic/Latino	66.3%	42.5%	85.1%	68.2%	75.0%
White	26.3%	55.2%	9.2%	26.1%	22.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.1%	0.0%	0.0%
Asian	4.2%	1.1%	1.1%	3.4%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	3.2%	1.1%	3.4%	2.3%	2.3%

Population 18 and Over (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	68	77	57	72	65
Hispanic/Latino	57.4%	35.1%	77.2%	62.5%	72.3%
White	32.4%	62.3%	14.0%	30.6%	27.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.8%	0.0%	0.0%
Asian	5.9%	1.3%	1.8%	4.2%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	4.4%	1.3%	5.3%	2.8%	0.0%

Citizens by Voting Age Population Estimate (2015-2019)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	47	55	32	49	37
Hispanic/Latino	36.2%	25.5%	68.8%	49.0%	64.9%
White	40.4%	70.9%	25.0%	38.8%	35.1%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	0.0%	0.0%	0.0%
Asian	23.4%	3.6%	6.3%	12.2%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	0.0%	0.0%	0.0%	0.0%	0.0%



★ Directors

Scenario 3

- Director Area "A"
- Director Area "B"
- Director Area "C"
- Director Area "D"
- Director Area TBD

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Sources: Esri, USGS, NOAA

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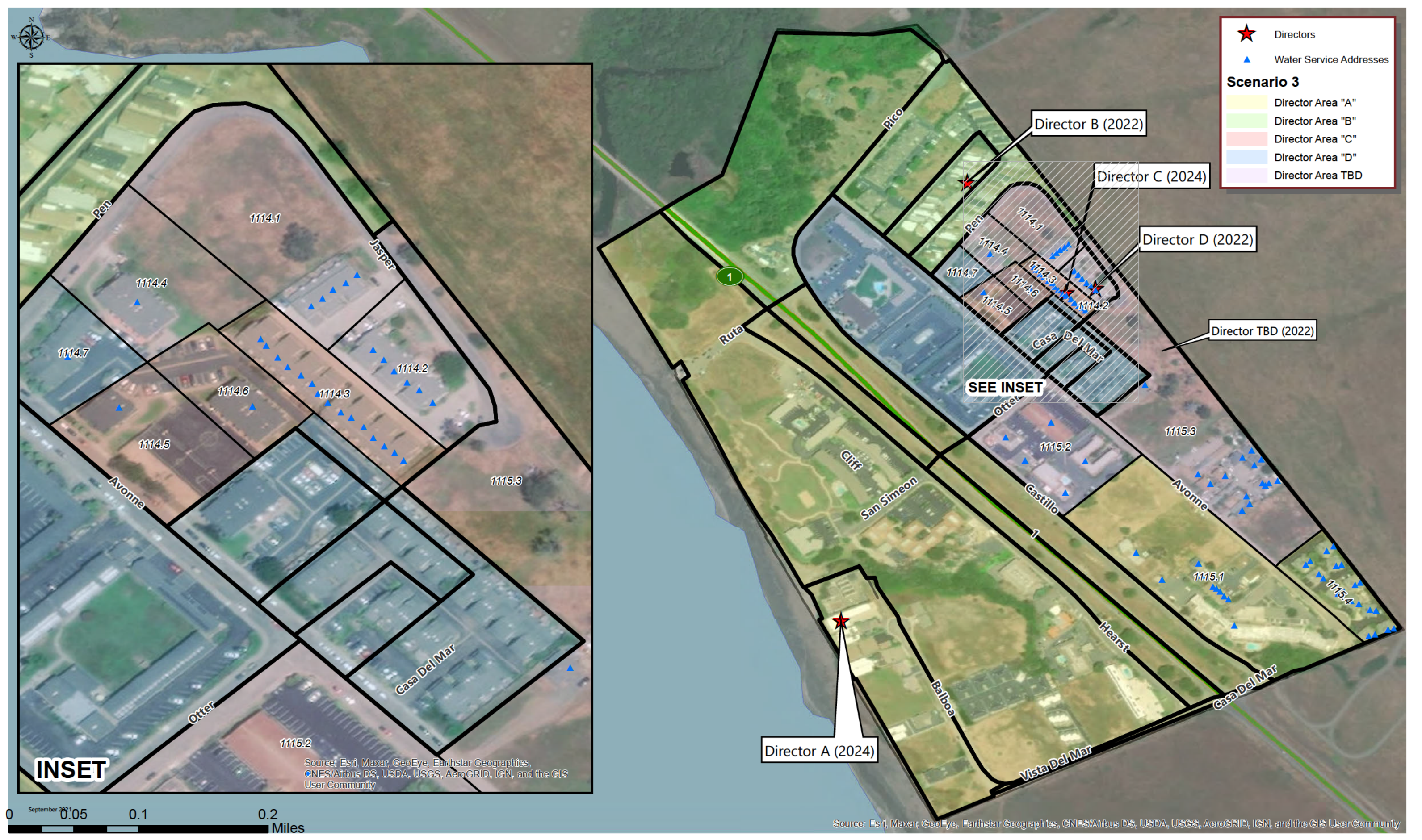
CONCEPTUAL DIRECTOR AREAS - SCENARIO 3

Total Population:	445	Ideal Population:	89	Variance:	5.6%
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Total Population (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	87	87	87	92	92
Population Variance	-2	-2	-2	3	3
	-2.2%	-2.2%	-2.2%	3.4%	3.4%
Hispanic/Latino	55.2%	42.5%	87.4%	68.5%	82.6%
White	35.6%	55.2%	9.2%	23.9%	16.3%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.1%	0.0%	0.0%
Asian	4.6%	1.1%	1.1%	3.3%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	4.6%	1.1%	1.1%	4.3%	1.1%

Population 18 and Over (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	73	77	57	69	63
Hispanic/Latino	50.7%	35.1%	80.7%	62.3%	77.8%
White	39.7%	62.3%	14.0%	27.5%	22.2%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.8%	0.0%	0.0%
Asian	5.5%	1.3%	1.8%	4.3%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	4.1%	1.3%	1.8%	5.8%	0.0%

Citizens by Voting Age Population Estimate (2015-2019)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	51	55	32	45	37
Hispanic/Latino	37.3%	25.5%	65.6%	48.9%	67.6%
White	47.1%	70.9%	25.0%	35.6%	29.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	0.0%	0.0%	0.0%
Asian	15.7%	3.6%	9.4%	15.6%	2.7%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	0.0%	0.0%	0.0%	0.0%	0.0%



SAN SIMEON CSD

CONCEPTUAL DIRECTOR AREAS - SCENARIO 3

Total Population:	445	Ideal Population:	89	Variance:	5.6%
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Total Population (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	87	87	87	92	92
Population Variance	-2	-2	-2	3	3
	-2.2%	-2.2%	-2.2%	3.4%	3.4%
Hispanic/Latino	55.2%	42.5%	87.4%	68.5%	82.6%
White	35.6%	55.2%	9.2%	23.9%	16.3%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.1%	0.0%	0.0%
Asian	4.6%	1.1%	1.1%	3.3%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	4.6%	1.1%	1.1%	4.3%	1.1%

Population 18 and Over (2020 Census)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	73	77	57	69	63
Hispanic/Latino	50.7%	35.1%	80.7%	62.3%	77.8%
White	39.7%	62.3%	14.0%	27.5%	22.2%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	1.8%	0.0%	0.0%
Asian	5.5%	1.3%	1.8%	4.3%	0.0%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	4.1%	1.3%	1.8%	5.8%	0.0%

Citizens by Voting Age Population Estimate (2015-2019)					
	Director Area A	Director Area B	Director Area C	Director Area D	Director Area TBD
Population	51	55	32	45	37
Hispanic/Latino	37.3%	25.5%	65.6%	48.9%	67.6%
White	47.1%	70.9%	25.0%	35.6%	29.7%
Black/ African American	0.0%	0.0%	0.0%	0.0%	0.0%
American Indian/ Alaska Native	0.0%	0.0%	0.0%	0.0%	0.0%
Asian	15.7%	3.6%	9.4%	15.6%	2.7%
Native Hawaiian/ Other Pacific Islander	0.0%	0.0%	0.0%	0.0%	0.0%
Other	0.0%	0.0%	0.0%	0.0%	0.0%
Two or More Races	0.0%	0.0%	0.0%	0.0%	0.0%

6.A. Business Action Item



BUSINESS ACTION ITEM STAFF REPORT

ITEM 6.A. DISCUSSION, REVIEW, APPROVAL OF STREET SIGN LANGUAGE RELATED TO DISTRICT ORDINANCE NO. 122 PARKING ON DISTRICT STREETS.

Summary:

Ordinance No. 122 was adopted by the Board during the February 8, 2022 Board meeting. The Ordinance took effect on March 8, 2022. The adopted Ordinance is included as part of the Board packet. The ad-hoc committee had no feedback regarding this matter. This item was placed on the agenda to allow for further Board discussion. Staff is looking for the Board to provide direction related to both the size of the signage as well as the sign verbiage.

Discussion:

Examples of existing District signage 12" x 18" in size. There are currently ten (10) existing signs.



Below is an image of a 24" x 18" sign from the City of Los Angeles:



Key verbiage to consider:

- 1) Overnight Parking of Recreational Vehicles (RV'S) must be permitted.
- 2) No unpermitted RV parking 12 am to 6 am.
- 3) Vehicles that are wrecked, broken down, or incapable of operating will be towed.
- 4) All vehicles must comply with SSCSD Ordinance No. 122
- 5) All vehicles must comply with California Vehicle Code 22507.

Recommendation:

Staff is asking that the Board provide direction on this matter. Staff suggests that the weather elements may impact larger signage and the Board may wish to consider keeping the existing size of the current signs.

Enc: Ordinance No. 122

ORDINANCE NO. 122
AN ORDINANCE OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT
REGARDING PARKING REGULATIONS

WHEREAS, unauthorized overnight parking of vehicles on public property by individuals has caused, and continues to cause, a disturbance of the peace and general welfare of the community; and

WHEREAS, by this Ordinance, the San Simeon Community Services District (“District”) desires to establish uniform rules regarding overnight vehicular parking within District boundaries; and

WHEREAS, the District finds that the use of District streets, rights of way, and other similar property for vehicular parking, especially when used on a long-term basis, is inappropriate and incompatible with the intended purpose of such facilities (i.e. such use interferes with the public’s use).

NOW, THEREFORE, BE IT ORDAINED by the San Simeon Community Services District that the District does hereby repeal Ordinance 107 and adopts the following Ordinance 122:

SECTION 1: REPEAL and ADOPT

Ordinance 107 is hereby repealed, and this Ordinance 122 is adopted.

SECTION 2: PURPOSE

The streets and public areas within the District should be readily accessible and available to residents and the public at large. The use of these areas for overnight vehicular parking interferes with the rights of others to use the areas for which they were intended. Such activity can constitute a public health and safety hazard which adversely impacts the community. The purpose of this chapter is to maintain public areas within the District in a clean, sanitary, and accessible condition and to adequately protect the health, safety, and public welfare of the community. Nothing in this Ordinance is intended to interfere with otherwise lawful and ordinary uses of public property.

SECTION 3: DEFINITIONS

As used in this Ordinance, the following words and phrases have the meanings set forth in this section, unless the context in which any such word or phrase is used clearly requires another meaning:

- A. “District Public Property” means any publicly owned property within the District, including but not limited to Streets (as defined).

- B. “Recreational Vehicle” means recreational vehicle as defined in Health and Safety Code section 18010, semi-trailer as defined in Vehicle Code section 550, trailer as defined in Vehicle Code section 630, trailer coach as defined in Vehicle Code section 635, trailer bus

as defined in Vehicle Code section 636, a truck tractor as defined in Vehicle Code section 655, or any of the following:

1. "Travel trailer" means a vehicular portable structure built on a chassis designed to be used as a temporary dwelling for camping, travel, recreational, and vacation uses permanently identified as a travel trailer by the manufacturer;
2. "Camper" means a structure designed primarily to be mounted upon a motor vehicle and with sufficient facilities to render as suitable for use as a temporary dwelling for camping, travel, recreational, and vacation purposes;
3. "Motorized home" means a portable, self-contained dwelling designed and constructed as an integral part of a self-propelled vehicle; and
4. "Full tent trailer" means a canvas folding structure mounted on wheels and designed for camping, travel, recreational, and vacation use.

C. "Street(s)" means the following streets within the District: Jasper Way, Penn Way, Avonne Avenue, Balboa Avenue, Pico Avenue, Vista Del Mar, Otter Way, and any other public roads, alleys, or rights-of-way of the District.

D. "Trailer" means a structure or similar conveyance designed to be drawn, carried or towed by a Vehicle or required to be registered with the State of California.

E. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

SECTION 4: POSTING OF NOTICE

Appropriate signs or markings giving adequate notice of the restrictions provided for in this Ordinance shall be placed upon the affected Streets and District Public Property. Notice of removal of Vehicles, Recreational Vehicles, and Trailers for violation of this Ordinance shall also be provided.

SECTION 5: NO VEHICLE PARKING FOR MORE THAN SEVENTY-TWO HOURS

Pursuant to California Vehicle Code section 22507, no motor Vehicle or Trailer, whether operational or non-operational for any reason, shall be parked or left standing upon any Street or District Public Property for seventy-two or more consecutive hours. When a Vehicle or Trailer is parked or left standing upon a Street or District Public Property for seventy-two or more consecutive hours, the District may remove such Vehicle or Trailer or cause the same to be removed without notice. Any such Vehicle or Trailer left standing for such period shall be deemed to have been abandoned by the registered owner.

SECTION 6: PARKING OF BROKEN DOWN, WRECKED, AND UNREGISTERED VEHICLES

No person shall park or stand or permit to remain for a longer period than two (2) hours on any Street or District Public Property, any motor vehicle that is wrecked, broken down, or incapable

of operating under its own power, or any Vehicle or Recreational Vehicle that is not registered with appropriate fees having been paid pursuant to the California Vehicle Code.

SECTION 8: PARKING OF RECREATIONAL VEHICLES

No Recreational Vehicle shall be parked or left standing between the hours of midnight and 6:00 a.m. upon any Street unless a permit has first been issued therefor by the General Manager of the District or an authorized representative of the District.

SECTION 9: PERMITS FOR RECREATIONAL VEHICLES

Notwithstanding Section 8, a Recreational Vehicle may be parked on any Street if a 72-hour parking permit is issued pursuant to this section. The purpose of a parking permit is to allow users of a Recreational Vehicle to park adjacent to their residences or businesses to load and unload and to allow out-of-town visitors to park in front of the residence which they are visiting for a limited period of time. The provisions of this section shall not supersede any covenants, conditions and restrictions or other private agreements. The terms of such parking permit shall be as follows:

- A. Issuance of Permit. Parking Permits shall be issued by the General Manager, or designee, upon receipt of an application on a form the District shall establish for that purpose. Any resident of the District may obtain a parking permit authorizing such a Recreational Vehicle to park in front of their residence or place of business. Any out-of-town visitor of a residence may obtain a parking permit authorizing the visitor to park such Recreational Vehicle in front of such residence, but may not reside in that Recreational Vehicle overnight while it is so parked, or run water, waste or power lines to the Recreational Vehicle over a public right of way. For purposes of this section, "out-of-town visitor" means any person who does not reside in the District.
- B. Description of Permit; display. The parking permit shall include the license number of the Recreational Vehicle authorized to be parked, the date of issuance, the time period the parking permit is valid, and the telephone number of the applicant. Such permit shall be taped to the Recreational Vehicle on the inside of the driver's side window and be clearly visible to District staff and the public.
- C. Duration and renewal. The parking permit shall be valid for 72 hours. Upon expiration of a parking permit issued under this section, the applicant may apply for and be granted a parking permit if the applicant still qualifies under the conditions set forth herein. In no event shall more than two (2) parking permits be issued to an applicant within a thirty-day period.

SECTION 10: VIOLATIONS AND PENALTIES

Any person who is in violation of any provision of this Ordinance shall be issued a citation by the General Manager, or designee, in the following amounts:

- A. A fine not exceeding fifty dollars (\$50) for a first violation;
- B. A fine not exceeding one hundred dollars (\$100) for a second violation of this Ordinance within one year;

C. A fine not exceeding two hundred fifty dollars (\$250) for each additional violation of this Ordinance within one year.

Furthermore, pursuant to section 22651 of the California Vehicle Code, any Vehicle, Trailer, or Recreational Vehicle left standing on any Street in violation of this Ordinance may be removed from the Street. Any person whose Vehicle, Recreational Vehicle, or Trailer has been towed away under this Ordinance will be responsible for paying any District costs and/or towing costs directly to the towing company in order to reclaim the Vehicle, Recreational Vehicle, or Trailer.

SECTION 11: SEVERABILITY

If any subdivision, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this Ordinance, or of any other provisions of other ordinances of the District. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

SECTION 12: EFFECTIVE DATE

This Ordinance shall become effective thirty (30) days after adoption.

SECTION 13: PUBLICATION

A summary of this Ordinance shall be published in a newspaper of general circulation and a certified copy of the full text of the proposed Ordinance shall be posted in the office of the District at least five days prior to the meeting at which the proposed Ordinance is to be adopted. Within fifteen days after adoption of the Ordinance, the governing body shall publish a summary of the Ordinance with the names of those members voting for and against the ordinance and shall post in the office of the district a certified copy of the full text of the adopted Ordinance along with the names of those members voting for and against the Ordinance.

This Ordinance was passed and adopted at a meeting of the Board of Directors of the San Simeon Community Services District on February 8, 2022, upon motion by Chairperson Kellas and seconded by Director Donahue by the following roll call vote:

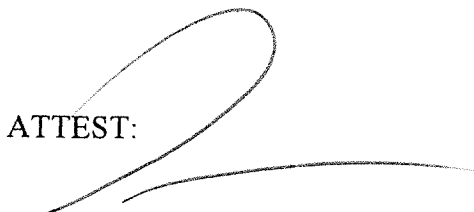
Chairperson Kellas: yes Director De La Rosa: yes Director Giacoletti: yes

Director Donahue: yes Director Reinstein: absent



Gwen Kellas, Chairperson

ATTEST:



Charles Grace
Secretary/General Manager

APPROVED AS TO FORM:



Jeffrey A. Minnery
District Counsel



1010 Marsh St., San Luis Obispo, CA 93401
(805) 546-8208 + FAX (805) 546-8641

PROOF OF PUBLICATION
(2015.5 C.C.P.)

Proof of Publication of

STATE OF CALIFORNIA,
County of San Luis Obispo,

I am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party interested in the above entitled matter. I am the principal clerk of the printer of the *New Times*, a newspaper of general circulation, printed and published weekly in the City of San Luis Obispo, County of San Luis Obispo, and which has been adjudged a newspaper of general circulation by the Superior Court of the County of San Luis Obispo, State of California, under the date of February 5, 1993, Case number CV72789; that notice of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

February 10

in the year 2022.

I certify (or declare) under the the penalty of perjury that the foregoing is true and correct.

Dated at San Luis Obispo, California, this day 10 of February, 2022.

Patricia Horton

Patricia Horton, *New Times* Legals

SAN SIMEON COMMUNITY SERVICES DISTRICT SUMMARY
ORDINANCE NO. 122 OF THE BOARD OF DIRECTORS OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT REGARDING PARKING REGULATIONS

This Ordinance Summary is published in accordance with the policies and procedures of the San Simeon Community Services District and the provisions of Government Code Section 25124. On December 14, 2021, the San Simeon Community Services District voted to introduce District Ordinance No. 122 regarding parking on District Streets. District Ordinance No. 122 was approved unanimously during the February 8, 2022 Board meeting by Directors Gwen Kellas, Michael Donahue, Daniel de la Rosa, and Mary Giacoletti.

In accordance with the policies and procedures of the San Simeon Community Services District and Government Code Section 25124, a copy of the complete proposed ordinance is available for review at the District office located at 111 Pico Avenue, San Simeon, California. For more information, contact the District office at (805) 927-4778.

Cortney Murguia
February 10, 2022

6.B. Business Action Item



BUSINESS ACTION ITEM STAFF REPORT

ITEM 6.B. DISCUSSION, REVIEW, APPROVAL RELATED TO ALLOCATION OF COVID-19 RELIEF FUNDING IN THE AMOUNT OF \$135,231.00.

Summary:

In early October 2021, the General Manager applied for COVID-19 relief funds through the California Special District Association (CSDA) on behalf of the District. The District was awarded a check in the amount of \$135,231.00 in early 2022.

Discussion:

The CSDA has advised GES Staff that there are no restrictions on how the funds can be spent. Additionally, CSDA advised that a “best practice” would be for the Board to discuss and memorialize how the funds will be spent. At this time staff is suggesting that the funds could be allocated to pay for the following:

- 1) To pay for the cost of the ocean outfall repair. It is estimated that this repair will cost approximately \$100,000.00.
- 2) To pay for the purchase of a fund accounting software package for the District. Staff has done the initial research into accounting packages and this cost is estimated to be approximately \$30,000 with an annual maintenance cost of \$5,000.00.

If the Board chooses to approve the allocation/designation of the funds to pay for the ocean outfall repair and the purchase of fund accounting software, both items would eventually be brought back to the Board for final approval. Additionally, the Board may choose to “set aside” the funds to pay for the fund accounting software at a later date.

Recommendation:

Staff is looking for direction on how to allocate the COVID-19 relief award in the amount of \$135,231.00.

Enc: Correspondence from Henry Krzciuk related to the COVID-19 relief funds

Re: Public Records Act Request re: Covid-19 Relief Funds

San Simeon CSD <admin@sansimeoncsd.org>

Thu 3/31/2022 9:51 AM

To: Henry Krzciuk <[REDACTED]>

Cc: Charles Grace <cgrace@graceenviro.com>; Jeffrey Minnerly <jminnerly@ammcglaw.com>; Gwen Kellas <gkellas@sansimeoncsd.org>

Henry,

The COVID funding relief award money is not considered to be grant funds and has no mandatory tracking protocol. The potential allocation of these funds will be discussed by the Board at the April Board meeting.

Unfortunately, we do not recall what documents were specifically provided (6 months ago) to the CSDA as part of the application process. Any documents that were uploaded would have been existing materials that the general public has access too. Such as the audit or the district financials (provided each month in the Board packet). We have attempted to find a copy of the application via the CSDA website but have been unsuccessful. Feel free to contact the CSDA.

Thank you,

Cortney Murguia

(805) 927-4778

From: Henry Krzciuk <[REDACTED]>**Sent:** Wednesday, March 30, 2022 3:34 PM**To:** San Simeon CSD <admin@sansimeoncsd.org>**Cc:** Charles Grace <cgrace@graceenviro.com>; Jeffrey Minnerly <jminnerly@ammcglaw.com>**Subject:** Re: Public Records Act Request re: Covid-19 Relief Funds

So, the district/district staff kept NO records of the grant application submittal and thus kept no records of the financial or other information submitted for the application. So, NO verification of the submitted data/information was or can be made.

Hank Krzciuk

San Simeon Resident

On Wed, Mar 30, 2022 at 2:59 PM San Simeon CSD <admin@sansimeoncsd.org> wrote:

Henry,

All applicable documents related to your request were provided.

Thank you,

Cortney Murguia

(805) 927-4778

From: Henry Krzciuk <[REDACTED]>**Sent:** Friday, March 25, 2022 8:04 PM**To:** San Simeon CSD <admin@sansimeoncsd.org>**Cc:** Charles Grace <cgrace@graceenviro.com>; Jeffrey Minnerly <jminnerly@ammcglaw.com>**Subject:** Re: Public Records Act Request re: Covid-19 Relief Funds

Cortney,

1) I do not see a copy of the application. If you are going to say that this was submitted online but no effort was made to keep or print a copy or screenshot of the submission, then please provide a copy of the financial information or documents used for the submission. There was a link provided for the district to view and archive the submission.

2) I do not see the emails and/or other notices from the CSDA regarding this funding or from any other agency or organization. I had requested all related writings.

April 12, 2022 Board Meeting Packet

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Please provide the above documents to come closer to completing this PRA request.

Hank Krzciuk
San Simeon CSD

On Fri, Mar 25, 2022 at 4:30 PM San Simeon CSD <admin@sansimeoncsd.org> wrote:

Henry,

This email shall serve as a response to your public records request received by our office on Friday March 18, 2022. Your request was for electronic copies of all writings related to Covid-19 Relief Funds of \$135,231` received on County Warrant Number 2715276. The writings are to include the funds application and all supporting documents, certifications, online web form submission confirmations etc. And to include any emails internal or external related to this these funds pre or post receipt of funds to date and to include their allocation/use etc. Attached please find records responsive to your request.

Staff considers this records request to be satisfied and complete.

Cortney Murguia
(805) 927-4778

From: Henry Krzciuk <[REDACTED]>
Sent: Friday, March 18, 2022 2:18 PM
To: San Simeon CSD <admin@sansimeoncsd.org>
Subject: Public Records Act Request re: Covid-19 Relief Funds

Please provide electronic copies of all writings related to Covid-19 Relief Funds of \$135,231` received on County Warrant Number 2715276. The writings are to include the funds application and all supporting documents, certifications, online web form submission confirmations etc. And to include any emails internal or external related to this these funds pre or post receipt of funds to date and to include their allocation/use etc.

If any other or additional Covid-19 Relief Funds were or are being applied for, this PRA request is intended to include those writings.

Thanks,
Hank Krzciuk
San Simeon Resident
[REDACTED]



Cortney Murguia <cmurguia@graceenviro.com>

More BS

gkellas@verizon.net <[REDACTED]>

Sun, Apr 3, 2022 at 9:20 PM

Reply-To: gkellas@verizon.net

To: Charles Grace <graceenvironmental@gmail.com>, cmurguia@graceenviro.com, Jeffrey Minnery <jminnery@ammcgclaw.com>



Hank Krzciuk San Simeon • 7 hr ago

Address Inquiries to: (805) 781-5831

County of San Luis Obispo
Auditor-Controller-Treasurer-Tax Collector
Post Office Box 1149
San Luis Obispo, CA 93406-1149

181483.641229202108.43 PG 1 of 1

WARRANT
NUMBER: 2715276

VENDOR: SAN SIMEON COMM SERVICE DIST
3100000021

Date: 12/29/2021

Table with columns REFERENCE, DESCRIPTION, AMOUNT. Includes rows for SANCSO-SDC19RF and TCF FY22 DEC MID.

District receives a windfall Covid grant of \$135,123 from the State. As part of the State's "Special District's Grant Program," \$100 million of State funds were made available to help special districts recover revenue lost due to Covid. These funds can be used at the discretion of the district. Let's hope it's not squandered. San Simeon CSD was one of six agencies in the county that applied for and received funds. It is great that the district applied for these funds. Every agency that applied appears to have received funds, and in larger amounts than they expected. To date, district management has not disclosed how these funds will be used. It would have been a good discussion to have at last month's Budget Committee meeting. Can we expect the use of these funds as a discussion item on the April board meeting agenda? Strangely, the General Manager kept much of the application and award process secret from the Board and the public. There was one after-the-fact email to the Board in October that let the board know the district had applied, no amount applied for was given. I guess the directors and community are on a 'need-to-know' basis. A Public Records Act request was made to the Grace Environment Services Office Manager. Her response was that they had kept NO record of the application for these funds nor the sources of financial information that were used for determining the Covid related revenue loss. Subsequently, upon contacting the General Counsels Office for the State Department of Finance, a copy of the application information was obtained. Questions regarding the grant program were also answered. The district's application had a surprise or two. Below is the application information as submitted. Notice how Charles Grace never calls himself the San Simeon CSD General Manager. He refers to himself as the "GES (Grace Environmental Services) Office Manager" and in another place as the "President/CEO." He does identify himself as the Authorized Representative for this application, but shows no affiliation with San Simeon CSD. Why the secrecy? The secrecy continues to undermine community trust. Following is the information provided by the district for this grant/fund's disbursement: Form ID 143 Certified Independent TRUE Name of Special District San Simeon Community Services District County San Luis Opispo 2018-19 Revenue \$1,049,551.00 2020-21 Revenue \$1,002,147.00 Unanticipated Costs 0 FEMA Eligible Costs 0 Name of Authorized Representative Charles Grace Title GES Office Manager Phone Number (805) 431-XXXX Email Address cgrace@graceenviro.com Name of Alternate Contact Cortney Murguia Title GES Office Manager Phone Number (805) 927-XXXX Email Address cmurguia@graceenviro.com Name of Person Submitting Form Charles Grace Title President / CEO Phone Number (805) 431-XXXX Email Address cgrace@graceenviro.com Locked Y Submitted Date 2021-10-11 Certified Information is accurate Y Certified not received any form of COVID-19 fiscal Y

CLOSED SESSION MATERIALS

March 27, 2022

Board of Directors
San Simeon Community Services District
111 Pico Avenue
San Simeon, CA 93452
County of San Luis Obispo

RE: Demand for Cure and Correct; and other transparency issues

Dear San Simeon Community Services District Board of Directors,

This letter is to call your attention to multiple and material violations of central provisions of the Ralph M. Brown Act. These violations jeopardize the finality of a number of actions taken by the San Simeon Community Services District (SSCSD) Budget Committee during the meeting of March 21, 2022 (agenda attached).

The key provision that was violated was Government Code Section 54954.3.(a) which states in part, **“Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body’s consideration of the item, that is within the subject matter jurisdiction of the legislative body, provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise *authorized by subdivision (b) of Section 54954.2....*”***[emphasis added]*

Once again, apparently on the advice of Legal Counsel, the District violated its own Policies and Procedures related to public comment. Section 7.06 Public Comments on Agenda Items states, **“Any member of the public may address the Board on any item on the agenda *at the time that item is being considered* by the Board. ...”** *[emphasis added]*

While the Brown Act allows for public comment “before or during” an agenda item is considered, the District Policies and Procedures do not.

These violations occurred when un-appointed Budget Committee Acting Chair, Daniel de la Rosa prohibited members of the public from making comments on Business Items 3. A through F, at the time these items were being considered. Forcing the public to speak **before** any of the items being considered and before all the information for each item had been made available to the committee and/or the public. Director de la Rosa had the discretion to opt out of this Legal Counsel recommended public comment procedure, but chose not to; consequently violating the Brown Act and District Policy 7.06.

When citizens challenged Director de la Rosa, demanding the right to comment after each presentation, he claimed that the Legal Counsel had advised him to consolidate all public comment for the six items into one 3 minute comment for each speaker and the speakers must speak **before** the committee considered the items.

This unfortunate legal advice perpetuates the pattern that this District does not follow its own Policies and Procedures (see letters from Julie Tacker dated July 18, 2021 and March 17, 2022, attached).

It is particularly important to allow public comment to be heard **during** consideration of the item following the presentations in this District, where comprehensive staff reports are few and far between. The public must be able to listen to the staff, or in this case, the hotelier's, presentation to be as informed as the Board or Committee members, i.e. decision makers, in order to make informed comment. Public comment is intended to help shape decisions to the benefit of the District; this Legal Counsel recommended format quashes the public's right to participate in their government.

Furthermore, Director de la Rosa committed another violation of the Brown Act when he failed to advise the public that Business Item 3. B. would be continued until the April Board of Directors meeting, when the Board can revisit the committee assignments to appoint one or two Directors to the Committee (in compliance with the District's Policies and Procedures 17.02). The public was forced to speak before the item was continued, denying members of the public the ability to speak to the continuance. This wasted the minimal amount of time they had spoken, as they had already spoken to the item "Appointment of a Chairperson to the budget committee" that would be continued and not discussed by the committee at all.

The most egregious violation of the day occurred when the Cavalier Corporation Officer/ Budget Committee Member Michael Hanchett, gave a presentation that he developed on the "Draft FY Year 2022 - 2023 SSCSD Annual Budget." There was (as is historically the case at these meetings) no information provided ahead of time for the public to make informed comment.

During Hanchett's presentation, using the California Public Records Act, I requested a copy of the PowerPoint slides. Government Code Section 54957.5 states, "*(a) Notwithstanding Section 7922.000 or any other law, agendas of public meetings and **any other writings**, when distributed to all, or a majority of all, of the members of a legislative body of a local agency by any person in connection with a matter subject to discussion or consideration at an open meeting of the body, are disclosable public records under the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1), and **shall be made available upon request without delay. [emphasis added]***" This slide show presentation was not provided to me by the District until March 24th, 72 hours after the request, and after several communications to your Legal Counsel reminding him of the law. Furthermore, the documents received were of poor photo copy quality and I have had to re-request the documents in original pdf format. There should be no delay, yet as of this writing I do not have the documents in the requested format.

Additionally, Business items C, D, and E were agendized as "Discussion" items and any action that occurred by the committee should be cured and corrected as demanded herein. These items, as written on the agenda, do not specify that any action would be taken.

The March 21, 2022 Budget Committee agenda (like most, if not all, SSCSD agenda's) fails to include the required language consistent with Government Code Section 54954.2

“(a) (1) At least 72 hours before a regular meeting, the legislative body of the local agency, or its designee, shall post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session. A brief general description of an item generally need not exceed 20 words. The agenda shall specify the time and location of the regular meeting and shall be posted in a location that is freely accessible to members of the public and on the local agency’s Internet Web site, if the local agency has one. **If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. The agenda shall include information regarding how, to whom, and when a request for disability-related modification or accommodation, including auxiliary aids or services, may be made by a person with a disability who requires a modification or accommodation in order to participate in the public meeting.**” [emphasis added]

While the agenda was “posted” 72 hours ahead of the meeting, it was not posted in the location in which the meeting was held. Oddly, there are no signs indicating that 250 Hearst Drive is as the agenda describes the “Cavalier Business Center”. Google Maps identifies the location as “Shops Plaza Del Cavalier.” There are no signs indicating where the “Butte Room - Upstairs Meeting Room” is located in relation to the parking lot. In fact, there were no District logos on the agenda, meeting room, staff uniforms, or staff vehicles; there is no indication that a government meeting will be held in this location. The only way I was able to find the meeting space was because I followed a resident to the address and into the shopping center. Only by recognizing faces from Zoom meetings I had participated in, I followed a Board member “upstairs” (about 5 steps), through two sets of double doors, neither having SSCSD logos, meeting notices or agenda’s taped to them, into the Butte Room.

Lastly, it has come to my attention that this District may never have required its Standing Committee members to take Brown Act training. These are Brown Act committees under the law and its members are required to take the necessary annual training. With this training, the meetings may be less tenuous and more work may be accomplished.

For the record, I do not enjoy writing these letters of demand. I am aware they trigger expense to the District and am a frugal person. Yet, as a 20-year activist and Brown Act advocate, I feel it necessary to shine light on this (and any other) District that disregards the laws of this State. The cost associated with Legal Counsel’s responses is not my “fault.” The “fault” and cost to fix what is broken falls squarely on your contract General Manager services. This company, including its employees, is required to know the laws governing Community Services Districts and to comply with them. That he and his staff do not follow the laws is a matter for your Board to consider in a performance review. Your contractor should be covering any cost associated with his company’s mistakes; the company is required to have errors and omissions insurance. You are paying a considerable amount each month for this contract service; the people deserve a better job for their money.

From the Desk of Julie Tacker

Demand for Cure and Correct

As provided by Section 54960.1, you have 30 days from the receipt of this demand to either cure or correct the challenged action or inform me of your decision not to do so. If you fail to cure or correct as demanded, such inaction may leave me no recourse but to seek a judicial invalidation of the challenged action pursuant to Section 54960.1, in which case I would also ask the court to order you to pay my seek court costs and reasonable attorney fees in this matter, pursuant to Section 54960.5.

The actions and decisions identified above that were made in violation of the Brown Act must be set aside.

Sincerely,



Julie Tacker



Cc: Jeff Minnery, SSCSD Legal Counsel
Kenneth Jorgensen, SLO DA's Office

Attachment:

March 21, 2022 Budget Committee Meeting agenda
Tacker letters dated July 18, 2021 and March 17, 2022

Julie Tacker
[REDACTED]
[REDACTED]
[REDACTED]

San Simeon Community Services District
VIA EMAIL 3/11/2022

SUBJECT: CEASE AND DESIST DEMAND
RE: RALPH M. BROWN ACT (§§ 54960, 54960.2)

Dear Chair Kellas,

I, Julie Tacker, pursuant to government code section 54960.2, demand the San Simeon Community Services District (SSCSD) cease and desist the following practice which violates provisions of California's open meeting laws (California Government Section 54950 et seq.) to wit, the Ralph M. Brown Act that the Council make an unconditional commitment as prescribed in subdivision (c) of section 54960.2 not to repeat such practices in the future:

These violations infringe upon the people's right to remain informed and retain control over the people's business and directly address their public servants. Furthermore, this violation may jeopardize the ongoing business and finality of actions taken by the SSCSD.

Factual and Procedural Background

On Wednesday, March 9, 2022 your District held a Water Committee meeting in the Cove Banquet Room of the Cavalier Inn. As you know, The Ralph M. Brown Act (Government Code sections 54950-54963, referred to as the "Brown Act") is intended to provide public access to meetings of California local government agencies. Its purpose is described in the Act: *"The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created."* Gov't Code § 54950.

In order to achieve this objective, governmental bodies, including the SSCSD Water Committee, are subject to the requirements of the Brown Act must provide Public Comment for items not on the agenda and allow for the public to speak to each item considered by the legislative body, in this instance, the Water Committee.

The March 9, 2022 Water Committee agenda is attached. There you will find, as I did, that the agenda violates Gov't Code §54954.3 (a) where in it requires that, "Every agenda for regular meetings **shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public**, before or during the legislative body's consideration of the item, that is within the subject matter jurisdiction of the legislative body,

provided that no action shall be taken on any item not appearing on the agenda unless the action is otherwise authorized by subdivision (b) of Section 54954.2..."

Additionally, during Business Item 2. A. no public comment was called for or allowed. The item was discussed among the committee members only, a motion was made and seconded and voted on, again without inviting the public to participate.

I am certain there were Brown Act violations that occurred at this meeting. Yet, in an effort to not incur extra costs to your district, I have chosen not to file a Cure and Correct for the violation that occurred March 9, 2022.

The intent of this Cease and Desist is to bring this Brown Act violation again to your attention and demand that your district cease and desist from, and not repeat the practices identified.

The District has 30 days from receipt of this letter to provide me with an unconditional commitment to cease, desist from, and not repeat the practices noted above. The district's failure to do so will entitle me to file an action for legal remedy, including attorney's fees and costs.

Sincerely,



Julie Tacker

Attachment: March 9, 2022 SSCSD Water Committee Agenda

Cc: SLO County Deputy District Attorney, Kenneth Jorgensen

3/28/22

Charles Grace
General Manager
San Simeon Services District

Re: 3/25/2022 telephone conversation

Charlie, Was good to talk to you directly about the R.O. plant you and the District constructed on private property and the public road right away.

Obviously, planting trees in the middle of the road to screen the building will not be a satisfactory outcome from my perspective.

At this point in time I do not see an outcome that doesn't include major litigation against the District, including all present and past directors, contractors, Hearst, Rangeland Trust and San Luis Obispo County.

We discussed the possibility of the District acquiring my property, going thru an abandonment of the street, and at least solving permanently the encroachments on the roadway of the District office and part of the R.O. desalination building. That possibility remains.

We discussed the benefits to ALL parties of working together to a solution. That is still my preferred method.

I am looking forward to hearing from a authorized district representative in the near future.

Regards

Ron Hurlbert