

**MEETING MINUTES**  
**SAN SIMEON COMMUNITY SERVICES DISTRICT**  
**BOARD OF DIRECTORS REGULAR MEETING**  
**Wednesday, December 9, 2020**  
**3:00 pm**

**Internet Meeting Location**

**1. REGULAR SESSION @ 3:00 PM**

- A.** Chairperson Kellas – Present  
Director Carson – Present  
Director Maurer – Present  
Director de la Rosa – Absent
- District Counsel, Jeffrey Minnery

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

Julie Tacker commented that she felt the public records requests that she had submitted were not being acted on in a timely manner. She also ~~spoke about~~ noted the she felt the contractor was not being transparent with the Board members. She reminded the Board of the power that they had, stating that they could conduct performance reviews of the GES. She also mentioned a letter from Michael Donahue to Jeffrey Minnery asking that contractors be held accountable for their work.

Henry Krzciuk commented referencing section 17.02 of the policy and procedures manual that allowed him to make a complaint. He stated that he and a member of the public had met with the General Manager and advised him that the RO building was encroaching on the Hearst property. He asked that this item immediately be agenized and that the contractor write a letter of apology to Hearst Corporation and to the public. He also commented on the sole sourcing that was occurring as part of Charles Grace's management contract and the clear contract violations that had occurred. He stated that the community was being taken advantage of by buddy buddy sole source contracting and asked that the Board review the contract.

April Dury commented. (Part of her comments were inaudible) She complimented the functionality of the webpage and complimented staff on how public records requests were being handled.

**3. SPECIAL PRESENTATIONS AND REPORTS:**

**A. OATH OF OFFICE** – Cortney Murguia issued the oath of office to Chairperson Kellas, Director Maurer, and Director Carson.

**B. STAFF REPORTS:**

- i. Sheriff's Report** – Deputy MacDonald provided the Sheriff's report for November.
- ii. Superintendent's Report** – Jerry Copeland provided a summary of November activities.
- iii. General Manager's Report** – Cortney Murguia provided a summary of November Activities.
- iv. District Financial Summary** – Cortney Murguia provided a summary of the November financials.
- v. District Counsel's Report** – Jeffrey Minnery asked that his report be moved to item 5E.

**C. BOARD OF DIRECTORS AND COMMITTEE REPORTS:** None

**D. SPECIAL PRESENTATION:** None

**E. PUBLIC COMMENTS ON SPECIAL PRESENTATIONS AND REPORTS:**

**Public Comment –**

Julie Tacker commented on the November 10, 2020 meeting minutes stating that the Board Chairperson had pulled the Phoenix Engineering invoice and that this was not reflected in the meeting minutes. She also commented on the time that it was taking for public records requests to be processed. She stated that sometimes the Office Manager would wait for ten (10) days to respond to her requests, only to ask for more time to fill the request. She also asked if Cortney Murguia had stuck her tongue out at her.

Henry Krzcuik remarked on the water tank project and the Phoenix Engineering invoices. He spoke on Crosno Construction and the easement issues that still existed. He stated that because Crosno Construction had worked on the design of the tanks that they could not participate in bidding out the work. He asked that the Chairperson please provide a clear update on what the status of this project was at the next Board meeting.

Mike Hanchett spoke about the people that were participating in the meetings and the costs that the residents were occurring from public record requests.

April Dury commented that the Board Chairperson addressed certain members of the public by their first name and others by their last name.

**4. CONSENT AGENDA ITEMS:**

**Public Comment –**

**A. Review and approval of Minutes for the Regular Meeting on November 10, 2020.**

Cortney Murguia asked that staff be allowed to edit the November 10, 2020 minutes to reflect the pulling of the Phoenix Engineering invoice. She stated that these minutes would be brought back to the Board during the January Board meeting.

Julie Tacker commented that the Disbursement Journal should have been edited to reflect that Phoenix Engineering had not been paid.

April Dury spoke and asked to speak on Item 4C.

Director Carson spoke that it was difficult to respond to members of the public when requests were received late at night the day before the Board meeting.

Director Maurer asked about the policy and procedures manual and inquired about language related to requesting items on the agenda.

**B. Review and approval of Minutes for the Special Meeting on November 19, 2020.**

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

Hank Krzcuik responded to Director Carson that the Board packet had been released late which delayed the public's ability to make comments. He also commented on Charlie Grace stating the he was double billing the community and that the contract required a reconciliation of the maintenance account reimbursement. He asked about the invoices from the County Health Department and Woods, LLC.

April Dury spoke and asked why the Directors were being paid as employees rather than as independent contractors. She stated that changing current practices would save the community money and asked that the Board look into this.

Julie Tacker responded to Director Carson and mentioned green sheets and timing of these items. She also spoke about the invoice to Phoenix Engineering.

A motion was made to approve items B & C on the consent agenda.

Motion: Chairperson Kellas

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

Vote: 3/0

Absent: Director de la Rosa

Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**5. BUSINESS ACTION ITEMS:**

**A. Review of authorization of powers to the General Manager awarded under Resolution 20-419.**

Hank Krzciuk spoke and requested that the Board direct legal counsel to provide a legal basis for this resolution because the resolution is illegal.

A motion was made to table this item.

Motion: Chairperson Kellas

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

Vote: 3/0

Absent: Director de la Rosa

Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**B. Consideration of candidates to replace the Board of Director Vacancy created by the Resignation of John Russell and Board Appointment of the new Director.**

Chairperson Kellas introduced this item. She asked if Mary Giacoletti was still present at the meeting. Staff responded that she was not but had tried to call in. Jeffrey Minnery suggested that the Board come back to this item.

This item was discussed at the end of the Board meeting after BAI E.

Hank Krzciuk commented that someone who was willing to review contracts or lack thereof, review the invoices and the sole sourcing of contracts being on the Board was a welcome addition.

A motion was made to appoint Mary Giacoletti to the Board.

Motion: Chairperson Kellas  
2<sup>nd</sup>: Director Maurer  
Vote: 3/0  
Absent: Director de la Rosa  
Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**C. Discussion related to scheduling Regular Board meetings for 2021.**

Chairperson Kellas introduced this item.

Julie Tacker commented about the need to move the meeting time so that the Hispanic and Latino community members would be able to attend the meetings.

Henry Krzciuk commented stating that three members of the community had asked that the meeting time be moved to a later hour. He also inquired as to who the meeting day was being moved for.

A motion was made to move the Regular Board meetings from Wednesday to Thursday. Chairperson Kellas also asked that an item be added to the January meeting agenda for discussion about the meeting time.

Motion: Chairperson Kellas  
2<sup>nd</sup>: Director Carson  
Vote: 3/0  
Absent: Director de la Rosa  
Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**D. Consideration of request from Robert Hather for an intent to serve letter.**

Chairperson Kellas introduced the item.

Mr. Stolberg (attorney for Hather) spoke stating that they believed that this would be a formal hearing. He requested that this item be an up and down vote by the Board on Mr. Hather's request for a will serve request.

Henry Krzciuk and Chairperson Kellas spoke about commenting on items that were not on the agenda.

Robert Hather asked that the he be issued a conditional will serve for his property. He stated that he would be test case for the Coastal Commission and the County.

Jeffrey Minnery spoke about the hardship application request and that no formal timeline associated with the District having to respond to this request. He addressed ministerial actions and the need to coordinate with the County and the Coastal Commission.

Director Carson asked about the issuance of a will serve letter and that the language stated that this decision was to be made by the Board of Directors. He referenced the law and said that he was concerned that by not issuing the letter he was breaking the law. He stated that Mr. Hather's request met all of the requirements of the hardship requirement.

Jeffrey Minnery commented that this item was not ~~agendized~~ ~~agenized~~ as a public hearing on this matter so a vote would not be appropriate.

Chairperson Kellas and Director Carson spoke about the District not having a formal will serve letter template. Director Carson stated that this should not influence the issuance of a will serve letter.

Director Maurer and Jeffrey Minnery discussed the timeline related to issuance of a letter, the District's legal liability, and the overall process of issuance of a letter under the hardship clause.

A motion was made to table this item until the January Board meeting.

Motion: Chairperson Kellas  
2<sup>nd</sup>: Director Maurer  
Vote: 2/1  
Absent: Director de la Rosa  
Roll Call:

Kellas: Yes

Carson: No

Maurer: Yes

The motion failed. The Chairperson tabled this item until the January Board meeting.

**E. Consider authorizing Board President to send a letter to the County Board of Supervisors related to the potential amendments of the Resource Summary Report as they relate to ongoing District efforts.**

Chairperson Kellas introduced this item.

Hank Krzcuik commented that he was pleased that the Resource Summary Report issue was finally being addressed. He commented that someone had tried to change this report in the past. He stated that the General Manager had been adamant about the need for 800,000 gallons of water storage needed before any development could occur. He stated this letter was premature and more consideration needed to be given before changing the severity level.

Jeffrey Minnery explained that they were still gathering information related to the water supply and the groundwater basin.

Motion: Chairperson Kellas

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

Vote: 3/0

Absent: Director de la Rosa

Roll Call:

Kellas: Yes

Carson: Yes

Maurer: Yes

**6. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS –**

**7. ADJOURNMENT @ 4:33 PM**