



BUSINESS ACTION ITEM STAFF REPORT

ITEM 8.A. Receive and File Procedural Clarification of Board Motion During the March 2026 District Board Meeting Regarding Request from Cambria Community Services District

Recommendation:

Receive and file

Background:

On March 5, 2026, an item was before the Board to discuss Cambria Community Service District's request for continued dialogue with the District and other agencies to explore whether the District's ocean outfall could be used for Cambria's brine disposal. Staff noted in introducing the item that no Board action was being requested.

After discussion during the Board meeting, the Board requested procedural direction on how to implement consensus. Director Le made a motion to refer the matter to staff for further discussion if necessary. Chair Tiwana seconded the motion. Director Le and Chair Tiwana voted in favor while Director Donahue voted against the motion. The motion was deemed to have passed for consensus purposes by a 2 to 1 vote.

On March 10, 2026, the District received a Demand for Cure and Correct letter asserting that the motion should not have passed without agreement from all three (3) Board members.

Discussion:

Section 10.05 of the Policies and Procedures Governing the San Simeon Community Services District and Board of Directors ("District's Policies and Procedures") authorizes the Board to give directions to staff that are not considered formal action and do not require formal procedural process, instead allowing the Board to give the directions by consensus. However, the Brown Act, Government Code section 54950 et seq., makes no similar allowance for informal action. Under the Brown Act, an "action taken" is broadly defined as a collective

decision, collective commitment, or vote by a majority of the members of a legislative body. (Gov. Code, § 54952.6.) Further, section 10.02 of the District's Policies and Procedures requires a majority of the Board to pass a motion, and since the District Board consists of five (5) Board members, all three (3) current Board members must agree for a motion to pass.

Since the motion failed on a 2-1 vote, there was no Board action taken on the item during the Board meeting on March 5, 2026.