

MEETING MINUTES
SAN SIMEON COMMUNITY SERVICES DISTRICT
BOARD OF DIRECTORS REGULAR BOARD MEETING
Tuesday, November 9, 2021
5:00 pm

Pursuant to San Simeon CSD Resolution 21-434 and incompliance with AB 361 this meeting occurred as a virtual teleconference using the Zoom app.

Internet Meeting Location – Via ZOOM

1. REGULAR SESSION: 5:01 PM -

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

2. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA:

Public Comment –

(4:00) Tina Dickason commented on the California Voting Rights Act related to the redistricting of the Board of Supervisors.

(7:28) Hank Krzciuk commented on the technical assistance related to the rate study and the recent contract approval of the Grace Environmental Services contract.

(10:50) Julie Tacker remarked that she had sent a complaint letter to the General Manager and that he had not responded. She requested that Chairperson Kellas be reprimanded and apologize to the District Attorney, to the community and to an unnamed member of the public.

3. SPECIAL PRESENTATIONS AND REPORTS: (14:12)

A. STAFF REPORTS:

- i. **Sheriff's Report** – No report was given.
- ii. **CHP Report** – (14:35) Lt. Chandler Stewart provided a summary of October activities.
- iii. **Superintendent's Report** – (21:40) Jerry Copeland provided a summary of October activities.
- iv. **General Manager's Report** – (22:50) Charlie Grace provided a summary of October activities.
- v. **Board Member Report** – (24:20) Chairperson Kellas provided a summary of October Activities.
- vi. **District Financial Summary** – (25:12) Charlie Grace provided a summary of the October financials.
- vii. **District Counsel's Report** – (27:09) Jeffrey Minnery provided a summary of October activities.

B. AD-HOC COMMITTEE REPORTS:

- i. Status Update Disbursements Journal Review Committee – No update was provided.
- ii. Status Update Policy & Procedures Committee – No update was provided.
- iii. Status Update parking on District Streets – (28:29) Director de la Rosa provided summary.
- iv. Status Update Budget & Water Committee – No update was provided.

Public Comment –

(29:10) Julie Tacker commented.

(31:55) Henry Krzciuk commented.

(33:50) Michael Hanchett commented.

(35:40) David Sansone commented.

4. CONSENT AGENDA ITEMS: (37:40)

A. REVIEW AND APPROVAL OF MINUTES FOR THE REGULAR MEETING ON OCTOBER 12, 2021.

(39:00) Vice-Chairperson Giacoletti noted a correction to the minutes under page 5 (1:57:18) change the word inflating to conflate.

B. REVIEW AND APPROVAL OF DISBURSEMENTS JOURNAL.

C. ADOPTION OF RESOLUTION 21-435 TO CONTINUE VIRTUAL MEETINGS PURSUANT TO THE PROVISIONS OF AB 361.

D. ADOPTION OF RESOLUTION 21-436 TO ALLOW THE DISTRICT RENTAL OF A SAFE DEPOSIT BOX.

Public Comment –

(43:00) Henry Krzciuk commented.

(45:40) Director Carson commented about payments that he received for Board member compensation. He clarified that he taken several oaths of office, some of which Mr. Krzciuk was unaware of and that he disagreed with Mr. Krzciuk's comments.

(47:30) Vice-Chairperson Giacoletti also disagreed with Mr. Krzciuk's statements.

(48:22) Julie Tacker commented.

(51:30) Miguel Sandoval commented.

(52:20) David Sansone commented.

(53:10) Michael Hanchett commented.

(53:35) Albert Barreto commented.

(54:50) A motion was made to approve the consent agenda items with the changes to the minutes provided by Chairperson Giacoletti.

Motion: Chairperson Kellas

2nd: Vice-Chairperson Giacoletti

Vote: 4/0

Absent: 0

Roll Call: Kellas: Yes

Giacoletti: Yes

Carson: Yes

de la Rosa: Yes

5. PUBLIC HEARING:

A. INTRODUCTION OF ORDINANCE NO. 123 OF THE SAN SIMEON COMMUNITY SERVICES DISTRICT TO ADOPT MANDATORY SOLID WASTE, ORGANIC WASTE, AND RECYCLING MATERIALS RULES AND REGULATIONS AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA. (55:50)

Charlie Grace introduced the item.

Public Comment –

(57:40) Henry Krzciuk commented.

(59:35) A motion was made to waive the full reading and make any amendments and introduce Ordinance No. 123.

Staff was directed to place this item on the December Board meeting agenda.

Motion: Chairperson Kellas
2nd: Vice-Chairperson Giacoletti

Vote: 4/0
Absent: 0

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

6. BUSINESS ACTION ITEMS:

A. CONSIDERATION OF CANDIDATES TO REPLACE THE BOARD OF DIRECTOR VACANCY CREATED BY THE RESIGNATION OF WILLIAM MAURER AND BOARD APPOINTMENT OF THE NEW DIRECTOR. (1:01:00)

(1:01:45) Director Carson commented he would be resigning from the Board of Directors effective November 30, 2021.

(1:02:15) Chairperson Kellas commented that members of the public were unaware of the Board vacancy and suggested that this item be tabled. She went on to ask that staff re-notice the vacancy and add the notice of vacancy information to the newsletter.

Public Comment –

(1:03:10) Tina Dickason commented.

(1:04:20) Henry Krzciuk commented.

(1:05:28) Michael Donahue commented.

(1:06:30) Julie Tacker commented.

(1:08:57) Michael Hanchett commented.

(1:11:20) Jeff Minnery spoke and clarified the deadline dates regarding William Maurer's resignation.

(1:12:48) Miguel Sandoval commented.

(1:13:10) A motion was made to direct staff to repost the vacancy and mail the newsletter.

Motion: Chairperson Kellas
2nd: Director de la Rosa
Vote: 3/0
Abstain: 1

Roll Call: Kellas: Yes Carson: Yes de la Rosa: Yes
Giacoletti: Abstain

There was conversation related to the scheduling of the special meeting. The date was set for Monday November 29, 2021.

B. APPROVAL OF A PROPOSAL FROM AKEL ENGINEERING GROUP, INC. FOR THE URBAN WATER MANAGEMENT PLAN NOT TO EXCEED THE AMOUNT OF \$25,090.00. (1:17:50)

Charlie Grace introduced this item.

(1:21:41) Vice-Chairperson Giacoletti asked about the need for this study and how it differed from the inflow stream management plan. Charlie Grace provided a response to the Vice-Chairperson.

(1:24:40) Tony Akel, Akel Engineering Group spoke and provided information related to the need for the study. There was discussion with Mr. Akel and the members of the Board regarding the study and potential work that would be performed.

Public Comment –

(1:40:50) Michael Hanchett commented.

(1:44:00) Henry Krzciuk commented.

(1:45:15) Michael Hanchett commented.

(1:45:44) A motion was made to approve the proposal from Akel Engineering to perform the Urban Water Management Plan not to exceed the amount of \$25,090.00.

Motion: Chairperson Kellas

2nd: Director de la Rosa

Vote: 3/0

Abstain: 1

Roll Call: Kellas: Yes Carson: Yes de la Rosa: Yes
Giacoletti: Abstain

C. APPROVAL OF A PROPOSAL FROM STILLWATER SCIENCES FOR THE INFLOW STREAM MANAGEMENT PLAN TASKS 1 THROUGH 5 NOT TO EXCEED THE AMOUNT OF \$ 84,900.00. (1:46:35)

Charlie Grace introduced the item.

(1:50:20) Tim Cleath, Stillwater Sciences spoke and provided information to the Board related to the work that would be performed as part of the study.

Public Comment –

(1:52:23) Henry Krzciuk commented.

(1:55:00) Director de la Rosa and Tim Cleath discussed environmental aspects of the study.

(1:58:09) A motion was made to approve the proposal from Still Water Sciences for the inflow stream management plan tasks 1 through 5 not to exceed the amount of \$84,900.00.

Motion: Chairperson Kellas

2nd: Vice-Chairperson Giacoletti

Vote: 4/0

Absent: 0

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

D. APPROVAL OF A PROPOSAL FROM COOPERATIVE STRATEGIES FOR REDISTRICTING SERVICES NOT TO EXCEED THE AMOUNT OF \$21,500.00. (1:59:08)

(1:59:10) Chairperson Kellas asked Jeff Minnery for an opinion about the price amount listed on the agenda being less than the cost of the proposal.

(2:00:05) Jeff Minnery introduced the item.

(2:01:28) Chairperson Kellas, Vice-Chairperson Giacoletti, Director Carson, Director de la Rosa, and Jeff Minnery discussed the need for redistricting to occur.

Public Comment –

(2:15:55) Henry Krzciuk commented.

(2:19:35) Julie Tacker commented.

(2:21:50) Michael Donahue commented.

(2:24:00) Miguel Sandoval commented.

(2:24:48) Michael Hanchett commented.

(2:26:20) Vice-Chairperson Giacoletti and Charlie Grace discussed the information in the proposals.

(2:27:40) A motion was made to approve Cooperative Strategies proposal not to exceed the amount of \$21,500.00.

Motion: Chairperson Kellas

2nd: Director Carson

Vote: 2/2

Absent: 0

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

(2:28:20) Director de la Rosa asked that staff revisit this matter and look for a lower price to perform the services. Vice-Chairperson Giacoletti suggested that staff follow the advice of the public and contact the California Special District Association (CSDA) to obtain advice on behalf of the District. Director Carson asked that staff contact both the Cambria and Cayucos CSD to obtain quotes from the contractor that they used for redistricting.

E. CONSIDERATION OF APPROVAL OF THE DRAFT POLICY ON CREDITS TO CUSTOMERS UTILITY BILLS. (2:32:40)

Chairperson Kellas introduced the item.

There was no public comment.

(2:33:20) A motion was made to approve the draft policy on credits to customers utility bills and staff to contact the customers asking for credit.

Motion: Chairperson Kellas

2nd: Director de la Rosa

Vote: 4/0

Absent: 0

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

F. AUTHORIZE THE CHAIRPERSON TO (1) EXECUTE THE MEMORANDUM OF AGREEMENT (“MOA”) BY AND BETWEEN THE MEMBER JURISDICTIONS OF THE SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY (“IWMA”); (2) EXECUTE AMENDMENT ONE TO THE MOA; AND (3) EXECUTE A LETTER OF DESIGNATION WITH THE IWMA REGARDING SENATE BILL 1383 COMPLIANCE. (2:34:08)

Charles Grace introduced the item.

Public Comment –

(2:35:30) Henry Krzciuk commented.

(2:36:48) A motion was made to authorize the Chairperson to execute the memorandum of agreement (“moa”) by and between the member jurisdictions of the San Luis Obispo county IWMA , execute amendment one to the MOA, and execute a letter of designation with the IWMA regarding senate bill 1383.

Motion: Chairperson Kellas

2nd: Director Carson

Vote: 4/0

Absent: 0

Roll Call: Kellas: Yes

Giacoletti: Yes

Carson: Yes

de la Rosa: Yes

G. DIRECTION TO STAFF TO SEND A LETTER OF INTENT NOTIFYING THE COUNTY OF SAN LUIS OBISPO THAT THE CSD INTENDS TO ASSUME SOLID WASTE AUTHORITY. (2:37:35)

Charlie Grace introduced the item.

Public Comment –

(2:38:30) Henry Krzciuk commented.

(2:39:25) A motion was made to direct staff to send a letter of intent to the County notifying them of the Districts intent to assume solid waste authority.

Motion: Chairperson Kellas

2nd: Director Carson

Vote: 4/0

Absent: 0

Roll Call: Kellas: Yes

Giacoletti: Yes

Carson: Yes

de la Rosa: Yes

H. APPROVAL OF LIMITED TERM ENCROACHMENT EASEMENT AND AGREEMENT BETWEEN HEARST HOLDINGS, LLC AND THE SAN SIMEON CSD. (2:40:00)

Charlie Grace introduced the item.

(2:43:50) There was discussion between Director de la Rosa, Vice-Chairperson Giacoletti, Director Carson Jeffrey Minnery, and Charlie Grace regarding the agreement and the legal description of the property and the District ability to negotiate with the Hearst corporation in the future.

Public Comment –

(2:53:39) Michael Hanchett commented.

(2:54:21) Julie Tacker commented.

(2:58:05) Henry Krzciuk commented.

(3:00:20) Chairperson Kellas asked Jeff Minnery if the contract included a clause that allowed the District to renegotiate the contract. Jeff Minnery and her further discussed this matter.

(3:04:20) A motion was made to approve the limited term encroachment agreement between Hearst Holdings and the San Simeon CSD conditioned upon on the legal description conforming to the actual encroachment area.

Motion: Director Carson
2nd: Director de la Rosa
Vote: 3/0
Absent: 0

Roll Call: Giacoletti: Yes Carson: Yes de la Rosa: Yes
Kellas: Abstain

7. BOARD/STAFF GENERAL DISCUSSIONS AND PROPOSED AGENDA ITEMS – (3:06:30)

Vice-Chairperson Giacoletti asked if the District holds closed session that it occur at the end of the meeting to avoid confusion. Director de la Rosa asked if there was a way to survey the community to gather information about the needs of community members.

8. ADJOURNMENT – 8:13 PM