



# REGULAR MEETING AGENDA

Thursday, February 2, 2012

Closed Session – 6:00 p.m.

Open Session – 7:00 p.m.

South Bay Community Center

2180 Palisades Avenue, Los Osos, CA

**President**

Marshall E. Ochylski

CALL TO ORDER, FLAG SALUTE AND ROLL CALL @ 6:00 P.M.

**Vice President**

Leonard A. Moothart

ANNOUNCEMENT OF CLOSED SESSION ITEMS, PUBLIC COMMENT ON CLOSED SESSION ITEMS, AND CONVENING OF CLOSED SESSION

**Directors**

Craig V. Baltimore  
David S. Vogel  
R. Michael Wright

**A. PENDING LITIGATION (Government Code, §54956.9(a).)**

Conference with Legal Counsel regarding Existing Litigation (Formally initiated):

*In re Los Osos Community Services District (ND-06-10548)* United States Bankruptcy Court,  
Central District of California, Northern Division

*LOCSD v. Golden State et al* (Groundwater Adjudication), Case No. CV04012  
(San Luis Obispo Superior Court)

*Dubbink v. SLO County, et al*, Case No. CV110313 (Complaint for Quiet Title)

**General Manager**

Dan Gilmore

**District Accountant**

Amparo Haber

**Fire Chief**

Robert Lewin

**B. INITIATION OF LITIGATION (Government Code, §54956.9(c).)**

Conference with Legal Counsel regarding Initiation of Litigation (One Case)

**Battalion Chief**

Phill Veneris

**PUBLIC COMMENT**

At this time, members of the public may comment on Closed Session items.

Please state your name and adhere to the following procedures when addressing the Board:

- Each commenter is limited to 3 minutes unless shortened or extended by the Chairperson.
- Public comment and public testimony shall be directed to the Chairperson and shall be addressed to the Board of Directors as a whole.
- Each person addressing the Board of Directors shall do so in an orderly and civil manner.
- Members of the audience who wish to address the Board on a particular item on the agenda shall line up behind the podium or sit in the front two (2) rows next to the podium.

**Mailing Address:**

P.O. Box 6064  
Los Osos, CA 93412

**Offices:**

2122 9<sup>th</sup> Street, Suite 102  
Los Osos, CA 93402

**Phone:** 805/528-9370

**FAX:** 805/528-9377

**ADJOURN TO CLOSED SESSION MEETING**

1. RECONVENE TO OPEN SESSION MEETING @ 7:00 P.M.

2. RECEIVE REPORT OUT OF CLOSED SESSION OF JANUARY 19, 2012 AND FEBRUARY 2, 2012

www.locsd.org

3. **GENERAL PUBLIC COMMENT** - (LIMITED TO 30 MINUTES - ANY SPEAKER PRESENT WHO DOES NOT HAVE THE OPPORTUNITY TO ADDRESS THE BOARD OF DIRECTORS DUE TO LACK OF TIME DURING THIS 30 MINUTE TIME PERIOD WILL HAVE AN OPPORTUNITY TO DO SO AFTER GENERAL ACTION ITEMS HAVE BEEN COMPLETED.) At this time, members of the public may comment on any item not appearing on the agenda. Please state your name and adhere to the following procedures when addressing the Board:

- Each commenter is limited to 3 minutes unless shortened or extended by the Chairperson.
- Public comment and public testimony shall be directed to the Chairperson and shall be addressed to the Board of Directors as a whole.
- Each person addressing the Board of Directors shall do so in an orderly and civil manner.
- Members of the audience who wish to address the Board shall line up behind the podium or sit in the front two (2) rows next to the podium.

4. **ADMINISTRATIVE AND COMMITTEE REPORTS**

These reports are non-action items. Staff and/or Committee Members will be available to respond to Board questions at the meeting.

**A. Administrative Reports**

1. District/CAL FIRE Manager Report
2. District Utilities Department Report
3. LOCAC Report

**B. Committee Reports**

1. LOCSD Standing Advisory Committee and Ad Hoc Committee Reports
  - a. Emergency Services Advisory Committee
  - b. Finance Advisory Committee
  - c. Utilities Advisory Committee
2. Directors Reports on Attendance at Other Agency Committee Meetings

**C. Other Reports**

1. Directors Announcements of District and Community Interest and Reports on Attendance at Public Meetings, Training Programs, Conferences, and Seminars

5. **CONSENT CALENDAR**

A member of the public may comment on any **Administrative Report, Committee Report or Consent Calendar Item at this time. EACH SPEAKER WILL BE LIMITED TO A THREE MINUTE PRESENTATION. PLEASE SPEAK AT THE PODIUM, ADDRESS THE PRESIDENT, AND BEGIN BY STATING YOUR NAME AND COMMUNITY OF RESIDENCE.** Consent Calendar Items are considered routine and therefore do not require separate discussion, however, any item may be removed from the Consent Calendar by a member of the Board of Directors for separate consideration. Individual items on the Consent Calendar are approved by the same vote that approves the Consent Calendar, unless an item is pulled for separate consideration. Items pulled for separate consideration will be heard after all other Action Items listed on the agenda.

**A. Receive Administrative and Committee Reports**

ACTION REQUESTED: File reports presented above

**B. Receive Warrant Register for January 2012**

ACTION REQUESTED: Receive and file

**C. Receive Financial Statements for Period Ending December 31, 2011, and Cash and Reserves Schedules as of January 2012**

ACTION REQUESTED: Receive and file

**D. Conservation Grant Application**

ACTION REQUESTED: Adopt Resolution 2012-03 approving the Conservation Grant Application

**6. GENERAL ACTION ITEMS**

**EACH SPEAKER IS LIMITED TO A THREE MINUTE PRESENTATION ON GENERAL ACTION ITEMS. PLEASE SPEAK AT THE PODIUM, ADDRESS THE PRESIDENT, AND BEGIN BY STATING YOUR NAME AND COMMUNITY OF RESIDENCE. PUBLIC COMMENT IS ENCOURAGED TO ASSIST THE LOCSD BOARD IN THEIR DELIBERATIONS**

**A. Consider Amended Board Bylaws and Rules of Decorum**

ACTION REQUESTED: Adopt Resolution 2012-02 approving the amended Bylaws and Rules of Decorum

**B. Appoint Regular and Alternate Public Members for Standing Advisory Committees and Appoint Representatives to Outside Agencies**

ACTION REQUESTED: Select members and/or provide director to Staff

**CONTINUED GENERAL PUBLIC COMMENT - (THIS TIME IS RESERVED FOR THOSE SPEAKERS WHO WERE PRESENT BUT UNABLE TO ADDRESS THE BOARD OF DIRECTORS DUE TO LACK OF TIME DURING GENERAL PUBLIC COMMENT AT THE BEGINNING OF THE MEETING.)**

**Please state your name and adhere to the following procedures when addressing the Board:**

- Each commenter is limited to 3 minutes unless shortened or extended by the Chairperson.
- Public comment and public testimony shall be directed to the Chairperson and shall be addressed to the Board of Directors as a whole.
- Each person addressing the Board of Directors shall do so in an orderly and civil manner.
- Members of the audience who wish to address the Board shall line up behind the podium or sit in the front two (2) rows next to the podium.

**CLOSING BOARD COMMENTS**

**AGENDA AND SCHEDULING**

	<u>Date</u>	<u>Time</u>	<u>Location</u>
Regular Closed Session Meeting	3/1/2012	6:00 p.m.	SBCC
Regular Open Session Meeting	3/1/2012	7:00 p.m.	SBCC

NOTE: The following apply to this Agenda:

ANY WRITING OR DOCUMENT PERTAINING TO AN OPEN SESSION ITEM ON THIS AGENDA WHICH IS DISTRIBUTED TO A MAJORITY OF THE BOARD OF DIRECTORS AFTER THE POSTING OF THIS AGENDA WILL BE AVAILABLE FOR PUBLIC INSPECTION AT THE TIME THE SUBJECT WRITING OR DOCUMENT IS DISTRIBUTED. THE WRITING OR DOCUMENT WILL BE AVAILABLE AT THE DISTRICT OFFICE, 2122 9TH STREET, LOS OSOS, DURING NORMAL BUSINESS HOURS.

COURT CHALLENGES TO BOARD ACTIONS MAY BE LIMITED TO ONLY THOSE ISSUES RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE OR IN WRITTEN CORRESPONDENCE DELIVERED TO LOCSD AT, OR PRIOR TO THE PUBLIC HEARING. CONSISTENT WITH THE AMERICANS WITH DISABILITIES ACT AND CALIFORNIA GOVERNMENT CODE SECTION 54954.2, REQUESTS FOR DISABILITY RELATED ACCOMMODATION, INCLUDING AUXILIARY AIDS OR SERVICES, MAY BE MADE BY A PERSON WITH A DISABILITY WHO REQUIRES THE ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS MEETING BY CONTACTING THE GENERAL MANAGER AT 805-528-9370 OR AT THE DISTRICT OFFICE, 2122 9<sup>th</sup> STREET, LOS OSOS

All items listed on the agenda may be acted upon by the Board.

- Public comments shall be directed to the President – the President may or may not ask staff to respond to questions depending on constraints the President may decide are relevant
- Members of the audience who wish to address the Board on a particular item on the agenda shall line up behind the podium or sit in the front two (2) rows next to the podium
- Each person addressing the Board shall do so in an orderly manner and shall not disrupt the orderly conduct of the meeting. Should disruptive behavior occur, the following steps will be taken to address it:
  - (a) The presiding officer shall warn the person who is violating the rules of decorum.
  - (b) If after receiving a warning from the presiding officer, the person persists in disruptive behavior the presiding officer shall order the person to leave the Board meeting room for the remainder of the meeting.
  - (c) If such person does not voluntarily remove himself/herself, the presiding officer may order any law enforcement officer who is on duty at the meeting to remove the person from the Board room.
  - (d) If order cannot be restored by the removal of individuals who are disrupting the meeting, the Board meeting will be continued under the provisions of Government Code §54957.9

- Agenda packets are available for viewing at the District Office, South Bay Library, and at [www.locsd.org](http://www.locsd.org). Please contact LOCSD at 528-9370 for information.