



Los Osos Community Services District

SPECIAL MEETING AGENDA

Thursday, March 19, 2009

Closed Session Begins at 6:00 p.m.

South Bay Community Center

2180 Palisades Avenue, Los Osos

President

Joe Sparks

Vice-President

Marshall Ochylski

Director

Chuck Cesena

Maria Kelly

Steve Senet

General Manager

Utilities Manager

George J. Milanés

Fire Chief

Matt Jenkins

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

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

EACH SPEAKER IS LIMITED TO A THREE MINUTE PRESENTATION ON THE CLOSED SESSION AGENDA. PLEASE SPEAK AT THE PODIUM, ADDRESS THE PRESIDENT, AND BEGIN BY STATING YOUR NAME AND COMMUNITY OF RESIDENCE.

- A. **PENDING LITIGATION (Government Code, §54956.9(b).)**
Conference with Counsel for 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 et al. v. American Alternative Insurance Corporation, Case No. CV 08-01279 (Federal Court)

Dee Thomas Murphy v. US EPA et al (ND-C-08-0487) United States District Court, Northern District of California

RWQCB v. LOCSD - ACL/TSO appeals to SWRCB

LOCSD v. Golden State et al. – Groundwater Adjudication in Superior Court

- B. **INITIATION OF LITIGATION (Gov. Code, §54956.9(c).)**
Conference with Legal Counsel (No. of cases 1)

- C. **CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code, §54957)**
District Designated Representative: Mitch Cooney, Interim General Manager
Employee Organization: San Luis Obispo County Employees Association (SLOCEA)

CONVENE TO CLOSED SESSION MEETING

ADJOURN CLOSED SESSION MEETING

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

Offices At:

2122 9th Street

Los Osos, California 93402

Mailing Address:

P.O. Box 6064

Los Osos, California 93412

Phone 805/528•9370

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SPECIAL MEETING AGENDA

Thursday, March 19, 2009

Open Session Begins at 7:00 p.m.

South Bay Community Center

2180 Palisades Avenue, Los Osos

1. **CALL TO ORDER, FLAG SALUTE AND ROLL CALL**

2. **RECEIVE REPORT OUT OF CLOSED SESSION ON MARCH 19, 2009**

3. **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 Manager Report
3. District General Manager Report

B. **Committee Reports**

1. LOCSD Standing Advisory Committee Reports
2. Director Reports on Attendance at Other Agency Committee Meetings
3. Director Kelly Report on Attendance at CSDA Training Conference in Fresno

4. **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. **Receive Final Report from FCS Group Regarding 2009-2010 Water Rate Study**

ACTION REQUESTED: Receive and File Report

B. **Appointment of an Ad Hoc Committee to Meet with Representatives of the Department of Fish and Wildlife Concerning the Removal of the Fence at the Mid-Town Site**

ACTION REQUESTED: Appoint Vice President Ochylski to Ad Hoc Committee

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.

CONSENT CALENDAR - CONTINUED

- A. Receive Administrative and Committee Reports

ACTION REQUESTED: File the Reports Presented Above

- B. Approve Prior Meeting Minutes

1. January 29, 2009
2. February 5, 2009
3. February 19, 2009

ACTION REQUESTED: Approve Minutes

- C. Receive Warrant Register for February 1, 2009 – March 12, 2009

ACTION REQUESTED: Receive and File

- D. Receive Financial Statements for Period Ending January 31, 2009

ACTION REQUESTED: Receive and File

- E. Approve Agreement with Shipsey and Seitz to Provide General Legal Services to the District

ACTION REQUESTED: Approve Agreement and Authorize Execution

- F. Appraisal of Mid-Town Property

ACTION REQUESTED: Authorize Staff to Request County to Release SRF proceeds to Fund Appraisal and Tentatively Approve Appraiser Selection Process

- G. Status Update on Assessment Proceedings for Cabrillo Estates Lighting District

ACTION REQUESTED: Adopt Resolution Approving Cabrillo Estates Assessment District Boundary Map and Adopt Resolution Approving Intention to Initiate Assessment Proceedings

- H. Reconfirm Board of Directors Previous Nomination of Special District Member of the San Luis Obispo Local Formation Commission (LAFCO)

ACTION REQUESTED: Reconfirm Previous Board Position to Support David Brooks as Special District Member on LAFCO

- I. Receive and File the First Phase and Second Phase Morro Shoulderband Snail Monitoring Completion Reports for the Nipomo/South Bay Well Site in Compliance with the Concurrence Letter from US Fish and Wildlife Service

ACTION REQUESTED: Receive and File

6. GENERAL PUBLIC COMMENT

EACH SPEAKER IS LIMITED TO A THREE MINUTE PRESENTATION ON ITEMS NOT LISTED ON THE AGENDA. 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 LOCS D BOARD IN THEIR DELIBERATIONS.

CLOSING BOARD COMMENTS

AGENDA AND SCHEDULING

<u>Future Agenda Item Description</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
Regular Closed Session Meeting	4/02/2009	6:00 p.m.	South Bay Community Center
Regular Open Session Meeting	4/02/2009	7:00 p.m.	South Bay Community Center
Special Closed Session Meeting	4//16009	6:00 p.m.	South Bay Community Center
Special Open Session Meeting	4/16/2009	7:00 p.m.	South Bay Community Center

ADJOURNMENT

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 LOCS D 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 9th 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
- 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 to the Public at the District Office and South Bay Library. Please contact LOCS D at 528-9370 for information.