



Los Osos Community Services District

SPECIAL MEETING AGENDA

Thursday, June 18, 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)

LOCSD v. RWQCB (ACL Appeal), Case No. CV06033 (San Luis Obispo Superior Court)

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

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

B. CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)

- District Designated Representatives: Mitch Cooney, Interim General Manager and Jon S. Seitz, District Legal Counsel
- Employee Organization: San Luis Obispo County Employees Association (SLOCEA) representing the Miscellaneous Bargaining Unit

Offices At:

2122 9th Street

Los Osos, California 93402

Mailing Address:

P.O. Box 6064

Los Osos, California 93412

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CONVENE TO CLOSED SESSION MEETING

ADJOURN CLOSED SESSION MEETING

RECONVENE TO OPEN SESSION MEETING @ 6:30 P.M



SPECIAL MEETING AGENDA

Thursday, June 18, 2009

Open Session Begins at 6:30 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 JUNE 18, 2009**
3. **PRESENTATION OF FY2007-08 DISTRICT AUDIT – ERIC XIN, BROWN ARMSTRONG ACCOUNTANCY CORP.**

4. PUBLIC HEARINGS

EACH SPEAKER IS LIMITED TO A THREE MINUTE PRESENTATION ON PUBLIC HEARING 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. ASSESSMENT DISTRICT FORMATION – CABRILLO ESTATES STREET LIGHTING

1. Receive presentation from Assessment Engineer and staff.
2. Open public hearing:
 - Receive public comments on proposed assessments and formation of the assessment district
 - Final call for assessment ballots
3. Close public hearing and order tabulation of assessment ballots.

BREAK – Adjourn to Consider Other Agenda Items

4. Announce and certify the Results of Assessment Ballot Tabulation. If a majority protest does not exist:
 - Adopt Resolution approving Engineer's Report.
 - Adopt Resolution ordering the levy and collection of assessments; or
5. If a majority protest exists - by motion place Cabrillo Estates street lighting on future agenda to consider alternatives

- B. Set FY09-10 Special Fire Tax Rate Pursuant to Measure A-05 and LOCSD Ordinance 2005-01 and Approve Submission of Tax Roll to County for Collection**

ACTION REQUESTED: Adopt Resolution as Attached or Edited by the Board and Direct Staff to Submit Tax Roll To County for Collection

- C. Submit the Following FY09-10 Assessment and Special Tax Rolls to San Luis Obispo County for Collection:**

1. Wastewater Assessment District No. 1 Assessments
2. Drainage Special Tax
3. Bayridge Estates Assessment
4. Vista de Oro Assessment

ACTION REQUESTED: Open the Public Hearing for Each Item Separately, Receive Public Testimony, and Consider Adoption of the Resolutions for Submittal of Respective Tax Rolls to San Luis Obispo County for Collection

4. **COMMITTEE REPORTS**

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

1. LOCSD Standing Advisory Committee and Ad Hoc Committee Reports
2. Director Reports on Attendance at Other Agency Committee Meetings

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 Committee Reports

ACTION REQUESTED: File the Reports Presented Above

- B. Approve Prior Meeting Minutes

1. June 4, 2009.

ACTION REQUESTED: Approve Minutes

- C. Authorize Interim General Manager to Bind Coverage for FY2009-10 Insurance Policies

ACTION REQUESTED: Authorize Binding of Insurance Coverage

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. Presentation of Budget for FY2009-2010

ACTION REQUESTED: Give Appropriate Direction to Staff to Prepare Final Budget for FY2009-2010

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	7/2/2009	6:00 p.m.	South Bay Community Center
Regular Open Session Meeting	7/2/2009	7:00 p.m.	South Bay Community Center
Regular Closed Session Meeting	8/6/2009	6:00 p.m.	South Bay Community Center
Regular Open Session Meeting	8/6/2009	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 LOCSO 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 LOCSO at 528-9370 for information.