



## Los Osos Community Services District

### REGULAR MEETING AGENDA

Thursday, July 2, 2009, 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. PERSONNEL MATTER (Government Code §54957)

- Performance Evaluation: Interim General Manager (pursuant to contract)

#### C. 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

#### 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

Fax 805/528-9377

www.losososcsd.org

# REGULAR MEETING AGENDA

Thursday, July 2, 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 JULY 2, 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 Department Report
  3. District General Manager Report
- B. Committee Reports
  1. LOCSD Standing Advisory Committee and Ad Hoc Committee Reports
  2. Director Reports on Attendance at Other Agency Committee Meetings

## 4. 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 the Reports Presented Above

- B. Approve Prior Meeting Minutes
  1. June 18, 2009

ACTION REQUESTED: Approve Minutes

- C. Receive Warrant Register for June 1, 2009 – June 26, 2009

ACTION REQUESTED: Receive and File

**CONSENT CALENDAR, CONTINUED:**

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

ACTION REQUESTED: Receive and File

- E. Approval of Job Description and Authorization for the General Manager to Fill Two Supervisory (Supplemental) Positions

ACTION REQUESTED: Approve Job Descriptions and Authorize Interim General Manager to Appoint Two Staff Members to Fill Supervisor Positions: One in Administration and One in Utilities Department

- F. Reaffirm CAL FIRE/SLO County Fire Department and LOCSD Cooperative Fire Protection Agreement and Update Schedules "A" through "E" to Reflect Changes in Services and Costs for Fiscal Year 2009/2010 as Provided in Paragraph Five of the Cooperative Fire Agreement Amendment One

ACTION REQUESTED: Approve or Direct Staff to Amend the Attached Schedules and Send Notification Letter to CAL FIRE/SLO County Fire Chief

- G. Adopt Resolution of Intention to Amend Contract Between the Board of Administration of the California Public Employees' Retirement System to Provide Section 20903 (Two Years Additional Service Credit) for Local Miscellaneous Members

ACTION REQUESTED: Adopt Resolution of Intention and Schedule Adoption of Final Resolution on August 6, 2009

5. **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. Adoption of Resolution to Continue Annual Levy Charges for the Cabrillo Estates Lighting District

ACTION REQUESTED: Adopt Resolution

- B. Discussion to Consider Tasking Brad Isaacs to Continue the Strategic Planning Process

ACTION REQUESTED: Direct Ad Hoc Committee to Obtain Proposal

- C. Adoption of Resolution Approving Final District Budget, Establishing Gann Appropriations Limit and Setting Reserves for FY2009-2010

ACTION REQUESTED: Adopt Resolutions

6. **DISCUSSION CONCERNING SUPPORT FOR THE 25<sup>th</sup> ANNUAL CALIFORNIA COASTAL CLEANUP DAY TO BE HELD SATURDAY, SEPTEMBER 19, 2009**

7. **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 LOCSO 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	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.