




September 25, 2009

**President**  
Joe Sparks

**Vice-President**  
Marshall Ochylski

**Director**  
Chuck Cesena  
Maria Kelly  
Steve Senet

**TO:** LOCSD Board of Directors

**FROM:** Ann Kudart, Administrative Clerk 

**SUBJECT:** Agenda Item 5B – 10/01/09 Board Meeting  
Approve Prior Board Meeting Minutes

**SUMMARY**

Attached are minutes from the LOCSD Board meetings of:

1. September 3, 2009
2. September 8, 2009

**General Manager**

**Utilities Manager**

**Fire Chief**  
Matt Jenkins

**RECOMMENDATION**

Staff recommends that your Board approve these minutes.

Should the Board wish to amend these minutes, this item should be removed from the Consent Calendar and be considered separately.



Attachments

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](http://www.losososcsd.org)

**Los Osos Community Services District  
Board of Directors  
Minutes of the Regular Meeting of September 3, 2009**

AGENDA ITEM	DISCUSSION OR ACTION										
<b>CALL TO ORDER/ROLL CALL</b>	<p>President Sparks called the Closed Session meeting to order at 6:01 p.m.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Director Kelly</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>Director Senet</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>President Sparks</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>Director Cesena</td> <td style="text-align: right;">Absent</td> </tr> <tr> <td>Vice President Ochylski</td> <td style="text-align: right;">Absent</td> </tr> </table>	Director Kelly	Present	Director Senet	Present	President Sparks	Present	Director Cesena	Absent	Vice President Ochylski	Absent
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<b>ANNOUNCEMENT OF CLOSED SESSION ITEMS, PUBLIC COMMENT ON CLOSED SESSION ITEMS, AND CONVENING OF CLOSED SESSION</b>	<p>President Sparks announced that the Board would convene to closed session for the following:</p> <p>A. <u>PENDING LITIGATION (Government Code §54956.9(b).)</u>            Conference with District 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); Montgomery Watson Harza (MWH) v. LOCSD, Case No. CV060122 (San Luis Obispo Superior 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); Taxpayers Watch et al v. LOCSD, Case No. CV051012 (San Luis Obispo Superior Court) – Measure B; Taxpayers Watch et al v. LOCSD et al., Case No. CV050862 (San Luis Obispo Superior Court); LOCSD v. SRWQCB, Case No. 05A505422 (Sacramento Superior Court)</p> <p>B. <u>PUBLIC EMPLOYEE APPOINTMENT (Government Code §54957)</u>            Title: District General Manager</p> <p>C. <u>CONFERENCE WITH LABOR NEGOTIATOR (Government Code §54957.6)</u>            Conference with Labor Negotiator; District Designated Representatives: Mitch Cooney, Interim General Manager and Jon S. Seitz, District Counsel; Employee Organization: San Luis Obispo County Employees Association (SLOCEA) representing the Miscellaneous Bargaining Unit</p> <p>D. <u>CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION LIABILITY CLAIM CONVENE TO CLOSED SESSION MEETING (Government Code §54956.6)</u></p> <p>Public Comment - None.</p> <p>Director Senet joined the meeting at 6:03 p.m.</p> <p>The Board convened to closed session at 6:03 p.m.</p> <p>Vice President Ochylski joined Closed Session at 6:04 p.m.</p>										
<b>1. CALL TO ORDER/ROLL CALL</b>	<p>President Sparks called the Open Session meeting to order at 7:04 p.m.</p> <p>Roll Call:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Director Senet</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>Director Cesena</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>Director Kelly</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>Vice President Ochylski</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>President Sparks</td> <td style="text-align: right;">Present</td> </tr> </table>	Director Senet	Present	Director Cesena	Present	Director Kelly	Present	Vice President Ochylski	Present	President Sparks	Present
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AGENDA ITEMS	DISCUSSION OR
<b>2. REPORT OUT OF CLOSED SESSIONS</b> <b>August 19, 2009</b> <b>August 27, 2009</b> <b>September 3, 2009</b>	District Counsel Jon Seitz reported the August 19, 2009 and August 27, 2009 meetings relating to the ongoing search for a General Manager produced no reportable action. Addressing the September 3, 2009 meeting, Mr. Seitz reported on Item D receipt of liability accident claim, claim rejected, District has no jurisdiction. On the Bankruptcy, AAIC, MWH, Groundwater Adjudication, Taxpayers Watch Measure B litigations the Board heard updates but took no reportable action. Other items on the agenda were not discussed during Closed Session.
<b>3. GENERAL PUBLIC COMMENT</b>	<u>Martha Goldin</u> commented on the need for an affordable wastewater project. <u>Keith Wimer</u> commented on remarks by LOCSD Board member at SLO BOS meeting on seawater intrusion. <u>Frank Ausilio</u> requested update on historical LOWWP documents being put on County website, Cleath & Associates study, aquifer boundaries, retrofitting. <u>George Taylor</u> requested Board assistance concerning certain conditions of Planning Commission on LOWWP. <u>Leon Goldin</u> commented on healthcare. <u>Julie Tacker</u> commented on seawater intrusion remarks made at BOS meeting. <u>Richard Margetson</u> approves of General Public Comment placement at beginning of meeting and commented appeals. <u>Gewynn Taylor</u> commented on WRAC meeting. <u>Linde Owen</u> commented on LOWWP and formal complaint concerning bid rigging.
<b>4. ADMINISTRATIVE AND COMMITTEE REPORTS</b>  <b>1. Administrative Reports</b>  <b>A. District/CAL-FIRE Manager Report</b>  <b>B. District Utilities Department Report</b>  <b>C. District Administration Department Report</b>  <b>D. District General Manager Report</b>	Division Chief Robert Lewin, reporting for Chief Veneris, updated the Board on the wildfire in southern CA reporting three strike teams of engines consisting of 60 firefighters from SLO Country, 70 CALFire Inmate firefighters with their Captains, 30 overhead, 2 bulldozers all engaged in the Station Fire including Engine 215 with staff from LO.  Chief Lewin then gave a summary of the CAL-FIRE Manager Report as submitted with the agenda packet.  Utilities Supervisor Margaret Falkner gave a summary of the Utilities Department Report as submitted with the agenda packet.  Administrative Supervisor Sandi Woods gave a summary of the Administration Department Report as submitted with the agenda packet.  Interim General Manager Mitch Cooney gave a summary of the District General Manager Report as submitted with the agenda packet.
<b>2. COMMITTEE REPORTS</b>  <b>A. LOCSD Standing Advisory Committee and Ad Hoc Committee Reports</b>  <b>B. Director Reports on Attendance at Other Agency Committee Meetings</b>	Director Maria Kelly reported on the 08/12/09 WAC meeting, the 08/21/09 Water Rates Subcommittee meeting, and the 08/26/09 SLO Country Flood Control and WRAC meeting as submitted with the agenda packet.  Vice President Ochylski reported on the ESAC meeting which was held as a brainstorming session for the fire protection plan; Strategic Planning and Goal Setting for Emergency Services; reported he and Director Cesena will attend LOCAC Ad Hoc Transportation and Circulation Committee meeting; reported that Ad Hoc Fence Committee spoke to USDF&W on fence removal at mid-town site.  President Sparks reported on attending the CSDA Training Workshop concerning Board Role in Human Resources on 09/21/09. A written report was not submitted with agenda packet but available at the meeting.
<b>5. CONSENT CALENDAR</b>  <b>A. Receive Administrative and Committee Reports</b>	During public comment on Administrative and Committee Reports and Consent Items 5A-J. Leon Goldin, Martha Goldin, Frank Ausilio, Julie Tacker, Keith Wimer, Gewynn Taylor, Richard Margetson speak.

AGENDA ITEMS	DISCUSSION OR ACTION																				
<p><b>5. CONSENT CALENDAR (continued)</b></p> <p><b>B. Approve Prior Meeting Minutes</b></p> <p><b>C. Receive Warrant Register for August 1, 2009-August 31, 2009</b></p> <p><b>D. Receive Summary of Postings Applied to Fiscal Year 2008-2009 that Modified the Financial Statement as Presented August 6, 2007</b></p>	<p><b>A motion was introduced by Director Kelly to accept Administrative and Committee Reports and approve the Consent Calendar. The motion was seconded by Director Senet.</b></p> <p><b>Roll Call Vote:</b></p> <table border="0"> <tr> <td><b>Director Kelly</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>Director Senet</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>Director Cesena</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>Vice President Ochylski</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>President Sparks</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> </table> <p><b>The motion was approved with five (5) affirmative votes.</b></p>	<b>Director Kelly</b>	<b>Yes</b>	<b>Director Senet</b>	<b>Yes</b>	<b>Director Cesena</b>	<b>Yes</b>	<b>Vice President Ochylski</b>	<b>Yes</b>	<b>President Sparks</b>	<b>Yes</b>										
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<p><b>5. GENERAL ACTION ITEMS</b></p> <p><b>A. Submittal of a Response to the Board of Supervisors Concerning the Planning Commission's Findings on the Los Osos Wastewater Project</b></p>	<p>As District Representative to Planning Commission hearings, Vice President Ochylski introduced the item.</p> <p>President Sparks opened the floor to public comment on General Action Item 5A. Keith Wimer, Julie Tacker, Frank Ausilio, Martha Goldin, Richard Margetson, Al Barrow, Gwynn Taylor speak.</p> <p>During Board discussion concerning modifications to the District's letter a straw vote was taken to correct minor edits to the Introduction section and the deletion of sentences #3 and #4 of the Affordability section (Yes-4/No-1); a minor edit to the Sustainability section (Yes-5/No-0). In the Re-Use Priorities section 97/103, remove "<i>prioritized and</i>" and bold first sentence in third paragraph (Yes-5/No-0). Within Drainage and Dewatering section, add paragraph concerning reclaimed non-potable water. (Yes-5/No-0). No changes to Emergency Services and Summary sections (Yes-5/No-0).</p> <p><b>Director Kelly made a motion to continue the meeting past 10:00 p.m. The motion was seconded by Vice President Ochylski.</b></p> <p><b>Roll Call Vote:</b></p> <table border="0"> <tr> <td><b>Director Kelly</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>Vice President Ochylski</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>Director Senet</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>Director Cesena</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>President Sparks</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> </table> <p><b>The motion was approved with five (5) affirmative votes.</b></p> <p>Continuing Board discussion and returning to Wastewater Treatment Design Flows section, beginning with second sentence insert President Sparks' input, not submitted with agenda packet but available at the meeting, readdress bullets for consistency, delete next paragraph (Yes-5/No-0).</p> <p><b>A motion was introduced by Vice President Ochylski to approve the letter as amended. The motion was seconded by Director Kelly.</b></p> <p><b>Roll Call Vote:</b></p> <table border="0"> <tr> <td><b>Vice President Ochylski</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>Director Kelly</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>Director Cesena</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>Director Senet</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> <tr> <td><b>President Sparks</b></td> <td style="text-align: right;"><b>Yes</b></td> </tr> </table> <p><b>The motion was approved with five (5) affirmative votes.</b></p>	<b>Director Kelly</b>	<b>Yes</b>	<b>Vice President Ochylski</b>	<b>Yes</b>	<b>Director Senet</b>	<b>Yes</b>	<b>Director Cesena</b>	<b>Yes</b>	<b>President Sparks</b>	<b>Yes</b>	<b>Vice President Ochylski</b>	<b>Yes</b>	<b>Director Kelly</b>	<b>Yes</b>	<b>Director Cesena</b>	<b>Yes</b>	<b>Director Senet</b>	<b>Yes</b>	<b>President Sparks</b>	<b>Yes</b>
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<p><b>GENERAL PUBLIC COMMENT</b></p>	<p>President Sparks opened the floor to general public comment – None.</p>																				

AGENDA ITEM	DISCUSSION OR ACTION
<p><b>CLOSING BOARD COMMENTS</b></p>	<p><u>Director Kelly</u> announced 9/22/09 meeting on development of Community Gardens at St. Benedict's Episcopal Church. <u>Director Senet</u> commented on retrofitting his home. <u>Director Cesena</u> commented on Coastal Cleanup Day being held on 9/19/09 and Directors Office Hours on 9/12/09. <u>Vice President Ochylski</u> announced upcoming 9/15/09 ESAC meeting with discussions on the Fire Protection Plan and Emergency Services Strategic Planning. <u>President Sparks</u> thanked Vice President Ochylski for representing the District at the Planning Commission Hearings.</p>
<p><b>ADJOURNMENT</b></p>	<p>The meeting adjourned at 10:10 p.m. (agk)</p>

**Los Osos Community Services District  
Board of Directors  
Minutes of the Special Closed Session Meeting of September 8, 2009**

<b>AGENDA ITEM</b>	<b>DISCUSSION OR ACTION</b>										
<p><b>Call to Order/ Flag Salute/Roll Call</b></p>	<p>President Sparks called the meeting to order at 6:02 p.m.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 80%;">Director Cesena</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>Vice President Ochylski</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>President Sparks</td> <td style="text-align: right;">Present</td> </tr> <tr> <td>Director Senet</td> <td style="text-align: right;">Absent</td> </tr> <tr> <td>Director Kelly</td> <td style="text-align: right;">Absent</td> </tr> </table>	Director Cesena	Present	Vice President Ochylski	Present	President Sparks	Present	Director Senet	Absent	Director Kelly	Absent
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<p><b>Announcement of Closed Session Items, Public Comment on Closed Session Items, and Convening of Closed Session</b></p>	<p>President Sparks announced that the Board would convene to closed session for the following:</p> <p><u>PUBLIC EMPLOYEE APPOINTMENT (Government Code §54957)</u> Interview: District General Manager</p> <p>Seeing no public comment, the Board convened to closed session at 6:03 p.m.</p> <p>Director Senet joins the meeting at 6:55 p.m.</p>										
<p><b>Adjournment</b></p>	<p>The meeting adjourned at 7:15 p.m.</p>										