



October 29, 2009

President
Joe Sparks

Vice-President
Marshall Ochylski

Director
Chuck Cesena
Maria Kelly
Steve Senet

General Manager

Utilities Manager

Fire Chief
Matt Jenkins

TO: LOCSO Board of Directors

FROM: Ann Kudart, Administrative Secretary

SUBJECT: Agenda Item 5B – 11/05/09 Board Meeting
Approve Prior Board Meeting Minutes

SUMMARY

Attached are minutes from the LOCSO Board meetings of:

1. October 1, 2009
2. October 19, 2009

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.lososcsd.org



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**Los Osos Community Services District
Board of Directors
Minutes of the Regular Meeting of October 1, 2009**

AGENDA ITEM	DISCUSSION OR ACTION										
CALL TO ORDER/ROLL CALL	<p>President Sparks called the Closed Session meeting to order at 6:09 p.m.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">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>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> <tr> <td>President Sparks</td> <td style="text-align: right;">Present</td> </tr> </table>	Director Kelly	Present	Director Senet	Present	Director Cesena	Absent	Vice President Ochylski	Absent	President Sparks	Present
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President Sparks	Present										
ANNOUNCEMENT OF CLOSED SESSION ITEMS, PUBLIC COMMENT ON CLOSED SESSION ITEMS, AND CONVENING OF CLOSED SESSION	<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>Public Comment - None.</p> <p>The Board convened to closed session at 6:11p.m.</p>										
RECONVENE TO OPEN SESSION 1. REPORT OUT OF CLOSED SESSIONS September 8, 2009 October 1, 2009	<p>The Board reconvened to Open Session Meeting at 7:09 p.m.</p> <p>District Counsel Jon Seitz reported on the ongoing bankruptcy and the Board on a 3-0 vote did authorize retention of Griffith & Thornburg Law Firm as bankruptcy counsel; The Board on a 3-0 vote authorized District Legal Counsel to execute and sign the substitution of attorney. Board discussed MWH litigation, no reportable action; discussed Groundwater Adjudication litigation with the ISJ moving forward to retain consultant to perform peer review.</p> <p>The Board discussed Item B on the September 8, 2009 and October 1, 2009 agendas, no reportable action was taken.</p> <p>The Board discussed the Taxpayers Watch Measure B litigation, no reportable action was taken.</p>										
PUBLIC ANNOUNCEMENT	<p>Ms. Lauren Sparks of the Morro Bay High School Key Club announced the upcoming Hunger Walk 10/11/2009 at 2:00 p.m.</p>										

AGENDA ITEMS	DISCUSSION OR ACTION
2. PRESENTATIONS 1. Proclamation of Appreciation to Mission Country Disposal	President Sparks presented a Proclamation of Appreciation to Tom Martin of Mission Country Disposal for their support to the Citizens of Los Osos in keeping the community clean and trash free and for the assistance offered to District Staff in helping to resolve citizen requests for disposal services. Mr. Martin happily accepted on behalf of MCD giving credit to the crews and Area Supervisor.
3. GENERAL PUBLIC COMMENT	During General Public Comment, <u>Cheryl Dove</u> commented on Cabrillo Estates homeowners' interest in negotiating for continued lighting. <u>George Taylor</u> commented on substitution of attorneys fees. <u>Frank Ausilio</u> commented on the need to install program to monitor wells. <u>Chris Allebe</u> commented on public comment period and seawater intrusion. <u>Gewynn Taylor</u> commented on need to address seawater intrusion, well monitoring and termination of CSD employee. <u>Julie Tacker</u> urged the District to appeal BOS decision on the LOWWP, commented on possible disintegrating of clay pipes in Vista de Oro and fencing at Tri-W.
2. PRESENTATIONS (continued) 2. Morro Bay National Estuary Program – Dan Berman, Program Director	Mr. Dan Berman of the Morro Bay National Estuary Program gave a presentation on Stormwater Pollution Volunteer Monitoring Program discussing First Flush Monitoring, monitored contaminants and Urban monitoring sites. President Sparks opened the floor to public questions and comments, George Taylor, Frank Ausilio, Alon Perlman, Chris Allebe, Julie Tacker, Richard Margetson speak.
4. ADMINISTRATIVE AND COMMITTEE REPORTS 1. Administrative Reports A. District/CAL-FIRE Manager Report B. District Utilities Department Report C. District Administration Department Report D. District General Manager Report	In the absence of Battalion Chief Phill Veneris, JGM Mitch Cooney requested the Board receive and file the District/CAL-FIRE Manager Report 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.
2. COMMITTEE REPORTS A. LOCSD Standing Advisory Committee and Ad Hoc Committee Reports B. Director Reports on Attendance at Other Agency Committee Meetings	Director Maria Kelly gave a brief summary of the 09/02/09 WRAC meeting as submitted with the agenda packet. Director Kelly then reported on the Water Rates Subcommittee meeting of 09/23/09, a written report was not submitted with the agenda packet but available at the meeting. In Vice President Ochylski's absence, President Sparks announced upcoming ESAC Strategic Planning Subcommittee meeting on 10/13/09 and joint ESAC/LOCAC meeting on 10/15/09. Director Senet gave a brief summary of the Finance Advisory Committee meeting on 09/21/09. President Sparks announced the next Finance Advisory Committee meeting would be held 10/19/09 and gave a brief summary of his attendance at the BOS appeals hearing on 09/29/09.
5. CONSENT CALENDAR A. Receive Administrative and Committee Reports	District Legal Counsel Jon Seitz gave a brief update on Amended Agenda Item 5F. During public comment on Administrative and Committee Reports and Consent Calendar, Julie Tacker, Frank Ausilio and Richard Margetson speak.

AGENDA ITEMS	DISCUSSION OR ACTION						
<p>5. CONSENT CALENDAR (continued)</p> <p>B. Approve Prior Meeting Minutes</p> <p>C. Receive Warrant Register for September 1, 2009-September 25, 2009</p> <p>D. (NOT USED)</p> <p>E. Adopt Resolution Authorizing Issuance of Debit Card for Sandi Woods as Replacement Card for Account Currently in Name of Karen Vega</p> <p>F. Proposition 1A Securitization Program AMENDED</p> <p>G. Approve the Acceptance of Funds from Morro Bay National Estuary Program Mini-Grant Application</p> <p>H. Approve Out of State Travel Expenses for PLC Programming and Training</p>	<p>A motion was introduced by President Sparks to accept and receive Administrative and Committee Reports and approve Consent Calendar Items 5A through 5H including 5F as amended. The motion was seconded by Director Kelly.</p> <p>Roll Call Vote:</p> <table border="0"> <tr> <td>President Sparks</td> <td>Yes</td> </tr> <tr> <td>Director Kelly</td> <td>Yes</td> </tr> <tr> <td>Director Senet</td> <td>Yes</td> </tr> </table> <p>The motion was approved with three (3) affirmative votes.</p>	President Sparks	Yes	Director Kelly	Yes	Director Senet	Yes
President Sparks	Yes						
Director Kelly	Yes						
Director Senet	Yes						
<p>5. GENERAL ACTION ITEMS</p> <p>A. Authorize Staff to Accept Bid from Perry Ford to Replace the South Bay Fire Department Chief Officer Vehicle</p> <p>B. Consider Sponsorship of Graywater Comprehensive Workshop</p>	<p>IGM Mitch Cooney introduced Agenda Item 6A, in the absence of Battalion Chief Veneris, recommending the lowest bid from Perry Ford for \$26,864.40.</p> <p>Public Comment – None.</p> <p>A motion was introduced by President Sparks to authorize staff to accept the lowest bid received, from Perry Ford, to replace the South Bay Fire Department Chief Officer vehicle. The motion was seconded by Director Senet.</p> <p>Roll Call Vote:</p> <table border="0"> <tr> <td>President Sparks</td> <td>Yes</td> </tr> <tr> <td>Director Senet</td> <td>Yes</td> </tr> <tr> <td>Director Kelly</td> <td>Yes</td> </tr> </table> <p>The motion was approved with three (3) affirmative votes.</p> <p>IGM Mitch Cooney introduced General Action Item 6B. Director Kelly recommended the item be tabled to be addressed at a later date requesting additional technical specifications to specifically fit Los Osos. Director Senet inquired as to the County graywater information not being up to date.</p> <p>President Sparks opened the floor to public comment on Agenda Item 6B. Al Barrow, Lynette Tornatzky speak.</p> <p>Agenda Item 6B was tabled without a date set.</p>	President Sparks	Yes	Director Senet	Yes	Director Kelly	Yes
President Sparks	Yes						
Director Senet	Yes						
Director Kelly	Yes						
<p>GENERAL PUBLIC COMMENT</p>	<p>During general public comment, <u>Al Barrow</u> commented on Coastal Development Permit for LOWWP, graywater. <u>Richard Margetson</u> commented on upcoming 12/12/09 fundraiser for the Maxine Lewis Memorial Shelter for the Homeless and water conservation component of LOWWP.</p>						

AGENDA ITEM	DISCUSSION OR ACTION
CLOSING BOARD COMMENTS	President Sparks announced upcoming meetings and thanked all those who participated in the Coastal Cleanup Day. Director Kelly announced upcoming Creek Clean Day. Director Senet closed by saying good night.
ADJOURNMENT	The meeting adjourned at 9:46 p.m. (agk)

DRAFT

**Los Osos Community Services District
Board of Directors
Minutes of the Special Meeting of October 19, 2009**

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CALL TO ORDER/ROLL CALL	<p>President Sparks called the Closed Session meeting to order at 6:36 p.m.</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Director Kelly</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 Senet</td> <td style="text-align: right;">Absent</td> </tr> <tr> <td>Vice President Ochylski</td> <td style="text-align: right;">Absent</td> </tr> <tr> <td>President Sparks</td> <td style="text-align: right;">Present</td> </tr> </table>	Director Kelly	Present	Director Cesena	Present	Director Senet	Absent	Vice President Ochylski	Absent	President Sparks	Present
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RECONVENE TO OPEN SESSION	<p>The Board reconvened to Open Session at 7:49 p.m.</p>										
1. REPORT OUT OF CLOSED SESSIONS October 19, 2009	<p>District Counsel Jon Seitz reported that no reportable action was taken on Item A; Item B subject to approval of contract with W. Dan Gilmore for the position of District General Manager; and, instruction given to President Sparks with regards to Agenda Item C.</p>										
ADJOURNMENT	<p>The meeting adjourned at 7:53 p.m. (agk)</p>										