



REGULAR MEETING AGENDA

Thursday, November 5, 2009

Closed Session - 6:00 pm

Open Session - 7:00 pm

South Bay Community Center

2180 Palisades Avenue, Los Osos, CA

President

Joe Sparks

Vice-President

Marshall Ochylski

Director

Chuck Cesena

Maria Kelly

Steve Senet

General Manager

Utilities Manager

Fire Chief

Matt Jenkins



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

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

A. PENDING LITIGATION (Government Code, §54956.9(b).)

Conference with Legal Counsel regarding 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. SWRQCB, Case No. 05A505422 (Sacramento Superior Court)

PUBLIC COMMENT

At this time, members of the public may comment on Closed Session items.

Please state your name and adhere to the following procedures when addressing the Board:

- Each commenter is limited to 3 minutes unless shortened or extended by the Chairperson.
- Public comment and public testimony shall be directed to the Chairperson and shall be addressed to the Board of Directors as a whole.
- Each person addressing the Board of Directors shall do so in an orderly and civil manner.

ADJOURN CLOSED SESSION MEETING

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.losososcscsd.org

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

MOMENT OF SILENCE IN MEMORY OF DANIEL SENET

1. RECEIVE REPORT OUT OF CLOSED SESSIONS ON NOVEMBER 5, 2009

2. PRESENTATIONS

- A. Proclamation of Appreciation to CAL FIRE/San Luis Obispo County Fire Department
- B. Presentation of Community Wildlife Protection Plan

3. GENERAL PUBLIC COMMENT - *(LIMITED TO 30 MINUTES - ANY SPEAKER WHO DOES NOT HAVE THE OPPORTUNITY TO ADDRESS THE BOARD OF DIRECTORS DURING THIS 30 MINUTE TIME PERIOD WILL HAVE AN OPPORTUNITY TO DO SO AFTER GENERAL ACTION ITEMS HAVE BEEN COMPLETED.)*
At this time, members of the public may comment on any item not appearing on the agenda. Please state your name and adhere to the following procedures when addressing the Board:

- Each commenter is limited to 3 minutes unless shortened or extended by the Chairperson.
- Public comment and public testimony shall be directed to the Chairperson and shall be addressed to the Board of Directors as a whole.
- Each person addressing the Board of Directors shall do so in an orderly and civil manner.

4. 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 Administration Department Report
- 4. District General Manager Report

B. Committee Reports

- 1. LOCSD Standing Advisory Committee and Ad Hoc Committee Reports
 - a) ESAC Meeting of August 18, 2009 Minutes
 - b) WAC Meeting of October 14, 2009 Report
- 2. Directors Reports on Attendance at Other Agency Committee Meetings
 - a) WRAC Meeting of October 7, 2009

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 Administrative and Committee Reports

ACTION REQUESTED: File Reports Presented Above

B. Approve Prior Meeting Minutes

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

ACTION REQUESTED: Approve Minutes

C. Receive Warrant Register for September 26, 2009 – October 31, 2009

ACTION REQUESTED: Receive and File

D. Receive Financial Statements for Period Ending September 30, 2009

ACTION REQUESTED: Receive and File

E. Confirmation of Vehicle Purchase – 2001 Chevrolet Impala

ACTION REQUESTED: Approve Sale of 2001 Chevrolet Impala and Direct Staff to Complete Transaction

F. Approve the Proposal for Task 3: Basin Management Plan Support (ISJ) – The Wallace Group

ACTION REQUESTED: Approve Proposal and Direct Staff to Sign Contract

G. Approve the Proposal for Task 3: Basin Management Plan Support (ISJ) – Cleath-Harris Geologists

ACTION REQUESTED: Approve Proposal and Direct Staff to Sign Contract

H. Approve First Amendment to Employment Contract, Interim General Manager

ACTION REQUESTED: Approve First Amendment to Employment Contract, Interim General Manager and Authorize President of the Board to Sign the Contract on Behalf of District

I. Approval of a Contract for the Position of General Manager, Los Osos Community Services District

ACTION REQUESTED: Approve Employment Contract between the Los Osos CSD and W. Dan Gilmore for the Position of District General Manager

J. Approve the Community Wildfire Protection Plan

ACTION REQUESTED: Approve the Community Wildfire Protection Plan

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 Water Rate Study by Subcommittee of the Water Advisory Committee

ACTION REQUESTED: Forward Report of Subcommittee to Finance Advisory Committee

GENERAL PUBLIC COMMENT - (THIS TIME IS RESERVED FOR THOSE SPEAKERS WHO DID NOT ADDRESS THE BOARD OF DIRECTORS DURING GENERAL PUBLIC COMMENT AT THE BEGINNING OF THE MEETING.) Please state your name and adhere to the following procedures when addressing the Board:

- Each commenter is limited to 3 minutes unless shortened or extended by the Chairperson.
- Public comment and public testimony shall be directed to the Chairperson and shall be addressed to the Board of Directors as a whole.
- Each person addressing the Board of Directors shall do so in an orderly and civil manner.

CLOSING BOARD COMMENTS

AGENDA AND SCHEDULING

- A. Set Date for December Board of Directors Meeting

ADJOURNMENT IN HONOR OF THE MEMORY OF DANIEL SENET

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 LOCSD 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 for viewing at the District Office, South Bay Library and at www.lososocsd.org. Please contact LOCSD at 528-9370 for information.