



REGULAR MEETING AGENDA

Thursday, December 17, 2009

Closed Session - 6:00 pm

Open Session - 7:00 pm

South Bay Community Center

2180 Palisades Avenue, Los Osos, CA

President
Joe Sparks

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

Vice President
Marshall Ochylski

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

Directors
Chuck Cesena
Maria Kelly
Steve Senet

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

General Manager
Dan Gilmore

LOCSD et al. v. American Alternative Insurance Corporation, Case No. CV 08-01279 (Federal Court)

District Accountant
Amparo Haber

Montgomery Watson Harza (MWH) v. LOCSD, Case No. CV060122 (San Luis Obispo Superior Court)

Administrative Supervisor
Sandi Woods

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

Utilities Supervisor
Margaret Falkner

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

Fire Chief
Matt Jenkins

Taxpayers Watch et al v. LOCSD, Case No. CV051012 (San Luis Obispo Superior Court) – Measure B

Battalion Chief
Phill Veneris

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:

Mailing Address:
P.O. Box 6064
Los Osos, CA 93412

- 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.

Offices:
2122 9th Street
Suite 102
Los Osos, CA 93402

Phone 805/528-9370
FAX 805/528-9377

ADJOURN CLOSED SESSION MEETING

www.losososcscsd.org

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

1. RECEIVE REPORT OUT OF CLOSED SESSIONS ON DECEMBER 17, 2009

2. PRESENTATIONS

- A. Certificates of Achievement Presented to Frank Asuncion, Robert Diemel, Rumel Florentino and Travis Tutt
- B. Proclamation of Appreciation Presented to William "Jocko" Sweet
- C. Presentation of Final FY08/09 Audit

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
- 2. Directors 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 Administrative and Committee Reports

ACTION REQUESTED: File Reports Presented Above

- B. Approve Prior Meeting Minutes
 - 1. November 5, 2009

ACTION REQUESTED: Approve Minutes

- C. Receive Warrant Register for November 2009

ACTION REQUESTED: Receive and File

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

ACTION REQUESTED: Receive and File

- E. Refund of Assessment on Wastewater Benefit Unit

ACTION REQUESTED: Approve Refund for the Overpayment of Benefit Assessments

- F. Cabrillo Estates Street Lighting

ACTION REQUESTED: Approve and Direct Staff to Contact PG&E Requesting Electrical Service to the Street Lights in Cabrillo Estates be Discontinued

- G. Confirmation of Vehicle Purchases

ACTION REQUESTED: Approve Sales and Direct Staff to Complete Transactions

- H. Adopt Resolution Adding Incoming General Manager and Deleting Outgoing Interim General Manager as Signer on District Bank Accounts

ACTION REQUESTED: Adopt Resolution 2009-25 and Direct Staff to Complete All Necessary Forms

- I. Adopt Resolution Adding Incoming General Manager and Deleting Outgoing Interim General Manager as Designated Officer for LAIF Account

ACTION REQUESTED: Adopt Resolution 2009-26 and Direct Staff to Complete All Necessary Forms

- J. Adopt Resolution Authorizing Signatories for the District's Safety Deposit Box

ACTION REQUESTED: Adopt Resolution 2009-27 and Direct Staff to Complete All Necessary Forms

- K. Adopt Resolution Authorizing the General Manager to Determine and Dispose of District Property Determined to be Surplus to District Needs and to Dispose of the Surplus Property at the Maximum Reasonable Value

ACTION REQUESTED: Adopt Resolution 2009-28

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. Water Rate Structure Revision/Implementation of New Water Rates

ACTION REQUESTED: Tentatively Approve Water Rate Structure Revision Including Proposed Rate Structure and Direct Staff to Provide Appropriate Notice Pursuant to the Requirements and Procedures of Proposition 218

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

<u>Future Item Description</u>	<u>Date</u>	<u>Time</u>	<u>Location</u>
Regular Closed Session Meeting	1/7/2010	6:00 p.m.	SBCC
Regular Open Session Meeting	1/7/2010	7:00 p.m.	SBCC

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 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.