

REGULAR MEETING AGENDA

Thursday, February 4, 2010

Closed Session - 6:00 pm

Open Session - 7:00 pm

South Bay Community Center

2180 Palisades Avenue, Los Osos, CA

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)

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 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.
- Members of the audience who wish to address the Board on a particular item on the agenda shall line up behind the podium or sit in the front two (2) rows next to the podium.

ADJOURN CLOSED SESSION MEETING

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

1. RECEIVE REPORT OUT OF CLOSED SESSIONS ON FEBRUARY 4, 2010

2. PRESENTATIONS

- A. Certificate of Appreciation Presented to Mitch Cooney

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.
- Members of the audience who wish to address the Board on a particular item on the agenda shall line up behind the podium or sit in the front two (2) rows next to the podium.

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. January 7, 2010

ACTION REQUESTED: Approve Minutes

C. Receive Warrant Register for January 2010

ACTION REQUESTED: Receive and File

D. Receive Financial Statements for Period Ending December 31, 2009

ACTION REQUESTED: Receive and File

E. Consider Draft Amended Board Bylaws and Rules of Decorum and Adopt Resolution

ACTION REQUESTED: Adopt Resolution Approving the Amended Bylaws and Rules of Decorum

F. Approve Contract with ELEMENTS for Design, Development and Software Training for District Website

ACTION REQUESTED: Approve ELEMENTS Contract

G. Approve Purchase of New Main Server for Computer System

ACTION REQUESTED: Approve the Purchase of New Microsoft SQL 2008 Server to be Funded from Account 6120, Fund 100

H. Appeal of the District's Policies Pertaining to Water Rate Adjustment for Excessive Water Usage

ACTION REQUESTED: Deny Appeal and Instruct Staff to Communicate Determination

I. Accept Bid to Purchase and Install Equipment on the New Chief Officer Command Vehicle

ACTION REQUESTED: Authorize Staff to Accept Bid from Nick's Telecom to Purchase and Install Emergency Equipment on New Chief Officer Command Vehicle

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 LOCSB BOARD IN THEIR DELIBERATIONS

A. Emergency Services Strategic Plan 2010

ACTION REQUESTED: Adopt the Emergency Services Strategic Plan 2010

B. Select Regular and Alternate Public Members for Standing Advisory Committees and Select Board Members to Serve as Non-Voting Chair and Alternate Chair for Standing Advisory Committees

ACTION REQUESTED: Select Members and/or Provide Direction to Staff

C. Set Notice of Public Hearing for Proposed Water Rate Adjustment

ACTION REQUESTED: Set Date for Public Hearing

D. Conduct Hearing to Consider All Objections or Protests to Recording Liens and Levying Assessments on Past Due Mission Country Disposal Accounts as Listed in District Secretary Report of Delinquent Solid Waste Charges and to Adopt Resolution Confirming Report, Levying Assessments and Authorizing Liens

ACTION REQUESTED: Receive Protests and Objections, If Any, and Adopt Resolution Confirming Report as Submitted or Amended

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.
- Members of the audience who wish to address the Board on a particular item on the agenda shall line up behind the podium or sit in the front two (2) rows next to the podium.

CLOSING BOARD COMMENTS

AGENDA AND SCHEDULING

| <u>Future Item Description</u> | <u>Date</u> | <u>Time</u> | <u>Location</u> |
|--------------------------------|-------------|-------------|-----------------|
| Regular Closed Session Meeting | 3/4/2010 | 6:00 p.m. | SBCC |
| Regular Open Session Meeting | 3/4/2010 | 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 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 for viewing at the District Office, South Bay Library and at www.losososcd.org. Please contact LOCSO at 528-9370 for information.