



February 27, 2014

**TO:** LOCSD Board of Directors  
**FROM:** Ann Kudart, Administrative/Accounting Assistant III  
**SUBJECT:** **Agenda Item 11B – 3/6/2014 Board Meeting**  
Approve Meeting Minutes of February 6, 2014 and  
February 26, 2014

**President**  
Craig V. Baltimore

**Vice President**  
R. Michael Wright

**Directors**  
Leonard A. Moothart  
Marshall E. Ochylski  
Jon-Erik G. Storm

**General Manager**  
Kathy A. Kivley

**Interim District Accountant**  
Dale G. Flynn

**Fire Chief**  
Robert Lewin

**Battalion Chief**  
Phill Veneris

**DESCRIPTION**

Attached are minutes from the LOCSD Board of Directors Regular Meeting of February 6, 2014 and the Special Meeting of February 26, 2014.

**SUMMARY OF STAFF RECOMMENDATION**

Staff recommends that the Board approve the attached minutes.

This item will be approved along with the Consent Calendar unless it is pulled by a Director for separate consideration. If so, Staff recommends that the Board adopt the following motion:

***Motion: I move that the Board approve the minutes of the meetings of February 6, 2014 and February 26, 2014.***

Attachment

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

**Offices:**  
2122 9<sup>th</sup> Street, Suite 102  
Los Osos, CA 93402

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

[www.locsd.org](http://www.locsd.org)

**Los Osos Community Services District  
Board of Directors  
DRAFT Minutes of the Regular Meeting of February 6, 2014**

| AGENDA ITEM   | DISCUSSION OR ACTION   |
|---|--|
| <p><b>1. CALL TO ORDER/FLAG SALUTE/ROLL CALL</b></p>  | <p>President Baltimore called the meeting to order at 6:00 p.m. and led the flag salute.</p> <p><u>Roll Call:</u><br/>           Marshall Ochylski, Director – Arrived at 6:02 p.m.<br/>           Michael Wright, Director - Present<br/>           Craig Baltimore, Vice President - Present<br/>           Leonard Moothart, President - Present</p> <p>The following Staff were present:<br/>           Kathy Kivley, General Manager<br/>           Michael Seitz, District Legal Counsel<br/>           Ann Kudart, Administrative/Accounting Assistant</p>  |
| <p><b>2. ANNOUNCEMENT OF CLOSED SESSION ITEMS, PUBLIC COMMENT ON CLOSED SESSION ITEMS, AND CONVENING OF CLOSED SESSION</b></p> <p><b>3. PUBLIC COMMENT</b></p> <p><b>4. ADJOURN TO CLOSED SESSION</b></p> | <p>District Legal Counsel Seitz announced that the Board would convene to Closed Session for the following:</p> <p>A. <u>PENDING LITIGATION (Government Code, §54956.9(a))</u><br/>           Conference with Legal Counsel Regarding Existing Litigation (Formally Initiated):<br/>           - <i>In re Los Osos Community Services District (ND-06-10548)</i> United States Bankruptcy Court, Central District of California, Northern Division<br/>           - <i>LOCSD v. Golden State et al</i> (Groundwater Adjudication), Case No. CV04012 (San Luis Obispo Superior Court)</p> <p>B. <u>REAL PROPERTY MATTERS (Government Code §54956.8)</u><br/>           Conference with Real Property Negotiator<br/>           - Property: 2122 9<sup>th</sup> Street, Suite 102, Los Osos, CA<br/>           Agency Negotiator: Kathy Kivley, District General Manager<br/>           Negotiating Party: George Contento, Property Owner/Landlord<br/>           Issue: Terms relating to price and length of lease</p> <p>Public Comment – Al Barrow commented on the cost of Golden State water; Friends of Locally Owned Water, a coalition of six communities and their website at <a href="http://www.losososflow.net">www.losososflow.net</a>.</p> <p>The Board adjourned to Closed Session at 6:04 p.m.</p> |
| <p><b>5. RECONVENE TO OPEN SESSION</b></p>  | <p>The Board reconvened to Open Session at 7:04 p.m. Director Moothart led the flag salute.</p> <p><u>Roll Call:</u><br/>           Marshall Ochylski, Director – Present<br/>           Michael Wright, Director - Present<br/>           Craig Baltimore, Vice President - Present<br/>           Leonard Moothart, President - Present</p> <p>The following Staff were present:<br/>           Kathy Kivley, General Manager<br/>           Michael Seitz, District Legal Counsel<br/>           Phill Veneris, Battalion Chief<br/>           Margaret Falkner, Utility Compliance Technician<br/>           Ann Kudart, Administrative/Accounting Assistant</p>   |
| <p><b>6. RECEIVE REPORT OUT OF CLOSED SESSION</b></p>   | <p>District Counsel Seitz reported that the Board heard a report from District Counsel regarding the Pending Litigation but took no reportable action. In regards to Item B, the Board gave directions to their real property negotiator but took no reportable action.</p>  |
| <p><b>7. PRESENTATION<br/>In Memory of District Legal Counsel Jon S. Seitz</b></p>  | <p>Director Ochylski acknowledged the guests present, including Avila Beach Community Services District General Manager Kathy Richardson, Nipomo Community Services District General Manager Michael Le Brun and past District Board Member Ed Eby, Templeton Community Services District Board Director Judith Dietch and Laurie Ion, Assistant to the General Manager, Cambria Community Services District Board Member Muril Clift, John Wallace and District Engineer Rob Miller.</p> <p>Director Ochylski spoke of his long working relationship with Jon and presented Jon's wife, Joanne Seitz, a certificate on behalf of the SLO County Chapter of CSDA.</p>  |

| AGENDA ITEM  | DISCUSSION   |
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| <p><b>7. PRESENTATION<br/>In Memory of District Legal Counsel Jon S. Seitz<br/>(continued)</b></p>   | <p>General Manager Kivley, in honor of Jon's ten years of service in recognition of the outstanding work contributed to the success of the District, presented a plaque on behalf of the Board of Directors to Joanne Seitz.</p> <p>At this point in the meeting, the Board took a five minute break.</p>  |
| <p><b>8. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA</b></p>  | <p>Al Barrow commented on Friends of Locally Owned Water at <a href="http://www.losososflow.net">www.losososflow.net</a> or <a href="http://losososflow.com">losososflow.com</a>.</p> <p>Julie Tacker remembered Jon Seitz ; commented on the recent Golden State Water Company meeting; and commented on the Basin Management Plan.</p> <p>David Horvat announced a fundraiser to help with medical expenses for his wife, Anna Ford, on Saturday, March 8<sup>th</sup> from 1:00 p.m. to 6:00 p.m. at the Community Center.</p> <p>Richard Margetson commented that the Community Center's Board is donating the use of the room to Mr. Horvat for the fundraiser. He commented on the Board of Supervisors revision of Title 8 and Title 19.</p>  |
| <p><b>9. ADMINISTRATIVE AND COMMITTEE REPORTS</b></p> <p><b>A. CAL FIRE Report</b></p> <p><b>B. Utilities Department Report</b></p> <p><b>C. LOCAC Report</b></p> <p><b>D. Emergency Services Advisory Committee (ESAC) Report</b></p> <p><b>E. Utilities Advisory Committee (UAC) Report</b></p> <p><b>F. Finance Advisory Committee (FAC) Report</b></p> <p><b>G. Directors' Announcement of District and Community Interest and Reports on Attendance at Public Meetings, Training Programs, Conferences and Seminars</b></p> | <p>Battalion Chief Veneris reported on the CERT training program and on the Fire Safe Council's upcoming chipping days. The Chief reported on South Bay-Station 15 emergency activities, administration, special programs and projects, and fire prevention actions during December 2013 and Annual 2013 report.</p> <p>Utility Compliance Technician Falkner reported on the operations of the Utilities Department for the month of December 2013, reporting on water production and consumption; meter reading; and operations and maintenance of the water system. She reported that due to the drought emergency declaration, new graphs with tables were provided with her report which show the District's well depths. Crews resumed the meter replacement program and worked with contractors at the South Bay well site. Staff is working on comments to the State regarding a new annual report document to comply with the MS4 permit.</p> <p>LOCAC Representative Jan Harper reported on the property donation at LOVR and Pine Avenue; the County Town Hall meeting on February 26, 2014 to provide an LOWWP update; next LOCAC meeting will be held February 27, 2014; LOCAC elections will be held in May 2014; and, more LOCAC information can be found at <a href="http://www.locac.info">www.locac.info</a>.</p> <p>Director Ochylski reported on the January 21, 2014 Emergency Services Advisory Committee (ESAC) meeting. The Committee discussed the mission and vision statements which will come before the Board at their March 2014 meeting for approval; and, recommended that the Board accept ownership of CERT trailer; discussion of response times related to the wastewater construction. The next meeting will be held February 25, 2014.</p> <p>President Baltimore reported on the January 15, 2014 Utilities Advisory Committee (UAC) meeting. The Committee discussed the scenarios most likely to impact the District's water supplies, triggers, and necessary action to be implemented during interruptions of water supplies. The next meeting will be held February 12, 2014.</p> <p>Director Ochylski reported that the Finance Advisory Committee (FAC) did not meet.</p> <p>President Baltimore appointed Vice President Wright as District representative to the Community Action Partnership of San Luis Obispo County, Inc. (CAPSLO).</p> <p>President Baltimore appointed Director Moothart as District representative to the Water Resources Advisory Committee (WRAC).</p> <p>Director Moothart reported on the February 5, 2014 WRAC meeting attended by LOCSD Utility Compliance Technician Falkner. The Committee discussed the Paso Robles Groundwater Basin efforts and supported the formation of a Paso Robles water district; and considered the formation of an Ad Hoc committee to review draft modifications of the water resources component of the Resource Management System.</p> <p>Director Ochylski announced the February 21, 2014 CSDA Annual Dinner Meeting with guest speaker Supervisor Mecham.</p> |

| AGENDA ITEM  | DISCUSSION  |
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| <p><b>10. PUBLIC COMMENT FOR ADMINISTRATIVE AND COMMITTEE REPORTS AND THE CONSENT CALENDAR</b></p>   | <p>Public Comment: Al Barrow thanked the Fire Department for their services. He commended on the Golden State water buy out; and the severe drought conditions.</p> <p>Julie Tacker commented that WRAC should look at our Basin and Level Severity III; emergency services and response time and the contractor responsible for poor traffic management ; and requested a report on the 2<sup>nd</sup> Street water line break.</p> <p>Richard Margetson commented on the Warrants, adjustments to the Administrative draws. He commented on the Budget preparation calendar; requested a Manager's or Admin Report; and commented on the recent 80-day water billing period.</p>  |
| <p><b>11. CONSENT AGENDA</b><br/> <b>A. Receive Administrative and Committee Reports</b><br/> <b>B. Approve Meeting Minutes of January 9, 2014</b><br/> <b>C. Receive Warrant Register for January 2014</b><br/> <b>D. Acceptance of CERT Trailer and Equipment from SLO County Sheriff for Use by the Estero Bay CERT-South Bay Team</b><br/> <b>E. Fiscal Year 2014 Budget Preparation Calendar Proposed Schedule for Adoption of the Budget</b></p> | <p><b>A motion was made by Director Moothart to receive and file the Administrative Reports, the Committee Reports, and to approve the Consent Calendar items. The motion was seconded by Vice President Wright and carried with the following vote:</b></p> <p><b>Ayes: Directors Moothart, Wright, Ochylski, Baltimore</b><br/> <b>Nays: None</b><br/> <b>Abstain: None</b><br/> <b>Absent: None</b></p>  |
| <p><b>12. GENERAL ACTION ITEMS</b><br/> <b>A. Appoint Regular and Alternate Public Members for Standing Advisory Committees</b></p>  | <p>General Manager Kivley gave a summary of the report as submitted with the agenda packet.</p> <p>Public Comment: Julie Tacker commented that she would like to again sit on ESAC and that it would be her ninth year on the committee. She endorsed the applicant to the Finance Advisory Committee, Jeff Edwards and the applicant to the Utilities Advisory Committee, Linde Owen.</p> <p>Al Barrow commented that the present Utilities Advisory Committee is extremely competent and important to encourage them to continue serving.</p> <p>Richard Margetson commented on the number of openings on each of the committees and inquired if there would be a Finance Committee if the one applicant was not appointed.</p> <p><b>Director Moothart recommended Noah Evans, Aaron Floyd and Ron Munds be appointed to the Utilities Advisory Committee with Lee Harry as the Alternate Member. The motion was seconded by Director Ochylski and carried with the following vote:</b></p> <p><b>Ayes: Directors Moothart, Ochylski, Wright, Baltimore</b><br/> <b>Nays: None</b><br/> <b>Abstain: None</b><br/> <b>Absent: None</b></p> <p><b>Director Ochylski recommended Vita Miller and Julie Tacker be appointed to the Emergency Services Advisory Committee and that David Harris be appointed at the Alternate Member. The motion was seconded by Vice President Wright and carried with the following vote:</b></p> <p><b>Ayes: Directors Ochylski, Wright, Moothart, Baltimore</b><br/> <b>Nays: None</b><br/> <b>Abstain: None</b><br/> <b>Absent: None</b></p> |

| AGENDA ITEM                       | DISCUSSION  |
|-----------------------------------|---|
| <b>13. FUTURE AGENDA ITEMS</b>    | <ul style="list-style-type: none"> <li>- ESAC Mission and Vision Statement be place on the next agenda</li> <li>- Update on the Utilities billing issues and a report on the water line break at 2<sup>nd</sup> Street</li> <li>- Status of outdoor water conservation plan</li> <li>- Performance review for Counsel and General Manager on Closed Session</li> </ul>  |
| <b>14. CLOSING BOARD COMMENTS</b> | <p>Director Ochylski encouraged those interested in serving the community to submit an application for the vacant position on the Board of Directors or the Finance Advisory Committee. He thanked everyone for their kind words in honoring the memory of Jon Seitz.</p> <p>Director Moothart voiced his appreciation to all those at the meeting honoring Jon Seitz.</p> <p>Vice President Wright commented on his first meeting with Jon Seitz and reminded the public of the fundraiser for Anna Ford.</p> <p>President Baltimore echoed the comments and kind words for Jon Seitz. He thanked the Community Center, the community of Los Osos and South Bay-Station 15 for the success of Operation Santa Claus.</p> |
| <b>15. ADJOURNMENT</b>            | The meeting adjourned at 8:51 p.m.  |



**Los Osos Community Services District  
Board of Directors  
DRAFT Minutes of the Special Meeting of February 26, 2014**

| AGENDA ITEM   | DISCUSSION OR ACTION  |
|---|---|
| <p><b>1. CALL TO ORDER/FLAG SALUTE/ROLL CALL</b></p>  | <p>President Baltimore called the meeting to order at 5:37 p.m. and led the flag salute.</p> <p><u>Roll Call:</u><br/>           Marshall Ochylski, Director – Present<br/>           Michael Wright, Director - Present<br/>           Craig Baltimore, Vice President - Present<br/>           Leonard Moothart, President - Present</p> <p>The following Staff were present:<br/>           Kathy Kivley, General Manager<br/>           Michael Seitz, District Legal Counsel<br/>           Ann Kudart, Administrative/Accounting Assistant</p>  |
| <p><b>2. BOARD APPOINTMENT Appointment to Fill Vacant Position on the Board of Directors</b></p> <p><b>Public Comment</b></p> | <p>General Manager Kivley gave a summary of the report as submitted with the agenda packet.</p> <p>District Legal Counsel Seitz announced that the District received Mr. Vogel's resignation on December 31, 2013 and that the District had 60 days to fill the vacant position on the Board. He reported that this meeting was being held on Day 57.</p> <p>President Baltimore outlined the procedures for the interview process.</p> <p>Following the interviews, President Baltimore opened the floor to public comment.</p> <p>Al Barrow inquired as to the opinions of the candidates of the District taking over the whole basin from Golden State Water.</p> <p>Chuck Cesena commented on the Board's lack of community input encouraging the Board to choose someone who is not afraid to make their voice known.</p> <p>Linde Owen commented on a disconnect with the County and encouraged the Board to select someone willing to stand up for Los Osos.</p> <p>Richard Margetson agreed with Mr. Cesena's comments and commented that the community should be represented by someone elected by the voters of the community.</p> <p>Keith Swanson commented on his qualifications but that he did not feel the commitment of the District to its committees and he chose not to apply for the vacancy.</p> <p>President Baltimore called for nominations from the Board. Director Moothart nominated Louis Tornatzky, Vice President Wright nominated Kurt Rightmyer, Director Ochylski nominated Jon-Erik Storm.</p> <p>The Board voted by ballot. District Administrative Assistant Kudart announced that Kurt Rightmyer received one vote, Louis Tornatzky received one vote, and Jon-Erik Storm received two votes.</p> <p>As there was not a 3-1 majority with the first ballot vote, the Board took a second ballot vote. District Administrative Assistant Kudart announced that Louis Tornatzky received one vote and Jon-Erik Storm received three votes.</p> <p>General Manager Kivley announced that Jon-Erick Storm would fill the vacancy on the Board of Directors.</p> |
| <p><b>15. ADJOURNMENT</b></p>   | <p>The meeting adjourned at 7:07 p.m.</p>   |