



# LOS OSOS COMMUNITY SERVICES DISTRICT

2122 9<sup>TH</sup> Street, Suite 102, Los Osos, CA 93402

805-528-9370 Direct / 805-528-9377 Fax

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

## SPECIAL MEETING OF THE BOARD OF DIRECTORS

Thursday, November 13, 2014

6:00 PM Closed Session – 2122 9<sup>th</sup> Street, Suite 102, Los Osos, CA 93402

7:00 PM Open Session – South Bay Training Center (Sunnyside Auditorium)  
880 Manzanita Drive, Los Osos, CA 93402

### Board of Directors

Craig V. Baltimore, President  
R. Michael Wright, Vice President  
Leonard A. Moothart, Director  
Marshall E. Ochylski, Director  
Jon-Erik G. Storm, Director

## AGENDA

This agenda is prepared and posted pursuant to Government Code §54954.2. District prepared staff reports and documents are normally available on the District website [www.losososcscsd.org](http://www.losososcscsd.org) on the date the agenda is posted or at the District Office. Any writing or document pertaining to an open session item on this agenda which is distributed to 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 at the District Office during normal business hours, and may be posted on the District's website at [www.losososcscsd.org](http://www.losososcscsd.org).

Consistent with the Americans with Disabilities Act and California Government Code §549542, requests for disability related modification or accommodation including auxiliary aids or services may be made by a person with a disability who requires the modification or accommodation in order to participate at the referenced public meeting by contacting the General Manager at 805-528-9370 or at the District Office during normal business hours.

Please silence all cell phones during the meeting as a courtesy to others.

### 1. OPENING – 6:00 PM

- A. Call to Order
- B. Pledge of Allegiance
- C. Roll Call

### 2. ANNOUNCEMENT OF CLOSED SESSION ITEMS

#### A. EXISTING LITIGATION (Government Code §54956.9(d) (1).)

Conference with Legal Counsel Regarding Existing Litigation (Formally initiated):

- *LOCSD v. Golden State et al* (Groundwater Adjudication), Case No. CV040126 (San Luis Obispo Superior Court)
- *In re Los Osos Community Services District* (ND-06-10548) United States Bankruptcy Court, Central District of California, Northern Division
- *State of California et al., ex rel. Estate of Sherwin v. Office Depot, Inc.*, Case No. BC410135

- B. PERSONNEL MATTERS (Government Code §54957)
  - Public Employee Performance Evaluations - District General Manager

**A. PUBLIC COMMENT ON CLOSED SESSION ITEMS**

Public comment and public testimony shall be directed to the Board President 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. **Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.**

**4. ADJOURN TO CLOSED SESSION**

**5. RECONVENE TO OPEN SESSION AT SOUTH BAY TRAINING CENTER – 7:00 PM**

**6. REPORT OUT OF CLOSED SESSION MEETING – District Legal Counsel Michael W. Seitz**

**7. PRESENTATIONS AND PUBLIC HEARINGS - None**

**8. PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA**

Members of the public may address the Board relating to any item of interest within the Board's jurisdiction but *not* on its agenda today. Public comment and public testimony shall be directed to the Board President and shall be addressed to the Board of Directors as a whole. Please state your name before addressing the Board. Each person addressing the Board of Directors shall do so in an orderly and civil manner. **Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.**

**9. ADMINISTRATIVE AND COMMITTEE REPORTS**

- A. Fire Department Report
- B. Utilities Department Report
- C. General Manager Report
- D. District Legal Counsel Report
- E. LOCAC Report
- F. Emergency Services Advisory Committee (ESAC)
- G. Utilities Advisory Committee (UAC)
- H. Finance Advisory Committee (FAC)
- I. Directors' Announcements of District and Community Interest and Reports on Attendance at Public Meetings, Training Programs, Conferences, and Seminars

**10. PUBLIC COMMENT FOR ITEMS ON THE ADMINISTRATIVE AND COMMITTEE REPORTS AND THE CONSENT AGENDA (EXCEPT ITEMS PULLED FOR SEPARATE CONSIDERATION)**

Public comment and public testimony shall be directed to the Board President and shall be addressed to the Board of Directors as a whole. Please state your name before addressing the Board. Each person addressing the Board of Directors shall do so in an orderly and civil manner. **Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.**

**11. CONSENT AGENDA**

Any item from the Consent Agenda can be removed by a member of the Board of Directors for separate consideration. Consent Agenda items are considered routine and do not require separate discussion. Individual items on the Consent Agenda are approved by the same vote that approves the Consent Agenda unless an item has been 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 [Recommend Receive and File Reports]
- B. Approve Meeting Minutes of October 2, 2014 [Recommend Approval]
- C. Receive Warrant Register for October 2014 [Recommend Receive and File Warrants]
- D. Receive Current Expenditure Reports [Recommend Receive and File Reports]
- E. Adopt Resolution Approving the Memorandum of Understanding (MOU) between the LOCSD and SLOCEA for the Miscellaneous Employees Bargaining Unit through June 30, 2015 [Recommend adoption of Resolution 2014-25]

- F. Adopt Resolution Establishing Reserve Fund for the Community Fund [Recommend adoption of Resolution 2104-26]
- G. Approve 2015 Board of Directors Meeting Schedule [Recommend approval of 2015 Meeting Schedule]
- H. Nitrate Removal Project Update South Bay Well [Recommend Receive and File Update]

**12. GENERAL ACTION ITEMS**

Public comment and public testimony shall be directed to the Board President and shall be addressed to the Board of Directors as a whole. Please state your name before addressing the Board. Each person addressing the Board of Directors shall do so in an orderly and civil manner. **Public Comment is limited to three (3) minutes or otherwise at the discretion of the President.**

- A. 2014 Seawater Intrusion Monitoring Report [Recommend Receive and File Report]
- B. Introduce by Title Only and Consider Ordinance Amending Title 2 of District Code Regarding Leak Adjustment Credits [Introduce Ordinance 2014-01 by title only amending Title 2 of the District Code and direct staff to notice a Public Hearing on January 8, 2015]
- C. Local Agency Formation Commission Special (LAFCO) District Member Nomination [Consider entering a nomination for Marshall Ochylski for LAFCO Special District Member]

**13. DISCUSSION OF PULLED CONSENT ITEMS**

Items pulled for separate consideration from the Consent Agenda, if any, will be heard at this time.

**14. FUTURE AGENDA ITEMS**

Requests from Board members to receive feedback, direct Staff to prepare information and/or request a formal agenda report be prepared and the item placed on a future agenda. No formal action can be taken.

**15. CLOSING BOARD COMMENTS**

**16. ADJOURNMENT**

**Respectfully submitted,**

  
\_\_\_\_\_  
Kathy A. Kivley, General Manager

This is to certify that this agenda was posted at the Los Osos Community Services District Office and distributed according to requests on November 6, 2014.

  
\_\_\_\_\_  
Margaret Falkner, Utility Compliance Technician III