



PARKS AND RECREATION ADVISORY COMMITTEE MEETING

Tuesday, March 7, 2017 at 5:30 p.m.
Los Osos Community Services District Office
2122 9th Street, Suite 106, Los Osos, CA

COMMITTEE MEMBERS

Lou Tornatzky, Chairperson
Jon-Erik Storm, Alternate Chairperson
Alissa Feldman, Member
William Fitzgerald, Member
Jennifer Foronjy, Member
Andrea Lueker, Member
Shaunna Sullivan, Member

STAFF

Renee Osborne, General Manager
Roy Hanley, District Counsel
Ann Kudart, Administrative Services Manager

AGENDA

1. **Opening at 5:30 p.m. – Call To Order; Flag Salute; and Roll Call**
2. **Introduction of 2017 Parks and Recreation Advisory Committee**
Presented By: Chairperson Tornatzky
3. **Review of Brown Act Guidelines and Section 11 of the 2017 Board Bylaws and Rules of Decorum**
Presented By: District Counsel Hanley
4. **Approval of Parks and Recreation Committee Meeting Minutes of November 21, 2016**
Presented By: Administrative Services Manager Kudart
5. **Review of 2017 Parks and Recreation Committee Work Plan**
Presented By: Chairperson Tornatzky and General Manager Osborne
6. **Public Comments on Items NOT on this Agenda:** At this time, the public may comment on items not on this agenda. Each commenter is limited to 3 minutes and shall address the Chairperson.
7. **Schedule Parks and Recreation Meeting –** Unless otherwise noted, the next meeting will be held Tuesday, May 2nd.
8. **Closing Comments by Parks and Recreation Committee Members**
9. **Adjournment**

ITEM 3

**REVIEW OF BROWN ACT GUIDELINES
AND SECTION 11 OF THE 2017 BOARD
BYLAWS AND RULES OF DECORUM**

2017 BOARD BYLAWS AND RULES OF DECORUM

(Amended February 2, 2017)

11. **COMMITTEES**

11.1 Standing Committees.

The Board of Directors may create and abolish Standing Committees at its discretion. Standing Committees shall be advisory committees to the Board of Directors and shall not commit the District to any policy, act or expenditure. Each Standing Committee shall consider District related issues assigned to it by the Board of Directors.

(a) Standing Committees shall conduct business at all times in a manner consistent with these Bylaws, applicable laws, and Board Policy.

(b) The General Manager, in cooperation with the Committee Chairperson, shall prepare the agenda for each Standing Committee meeting. Nothing may be placed on the agenda of any Committee that is not included in that Standing Committee's Work Plan or in other separate direction from the Board of Directors. Consideration of any other matters are *ultra vires* and void acts.

(c) Each Standing Committee shall meet at most monthly as determined by the Committee Chairperson, provided there is pending consideration of something within the Committee's Work Plan or specific direction from the Board of Directors. There are no quorum requirements for Standing Committee meetings. Recommendations to the Board of Directors shall include all opinions of members of the Standing Committee on each issue raised for their recommendation and shall include the number of members concurring in each opinion. The opinion receiving the most concurrence is the majority report. Other opinions are minority reports.

(d) Subject to the availability of public membership, Standing Committees shall be comprised of up to five public members, none of whom shall be Directors; and one Director appointed by the President as the non-voting Chairperson and one Director appointed by the President as Alternate. The Alternate only needs to attend if the Chairperson is unable to attend. In the absence of both Chairperson and Alternate the President may assign a Board Member to temporarily act as the Committee Chairperson in order that the Standing Committee may meet as established by the previously adopted schedule.

Depending on the number of applications, the Board of Directors retains the discretion to alter Standing Committee membership on a case-by-case basis.

(e) The General Manager shall be an ex-officio member of all Standing Committees. The Committee Chairperson and Committee Alternate are non-voting members appointed for the sole purpose of conducting the meeting, enabling conversation, facilitating discussions, and forwarding recommendations to the Board of Directors.

(f) Each Director shall appoint one voting member to each Standing Committee. The appointee shall serve at the pleasure of the Director who appointed them. The Board of Directors may also remove any Standing Committee member with or without cause.

(g) On or before January 31st or as otherwise established by the Board of Directors of each year, members of the public who reside within the boundaries of the District are invited to apply for specific Standing Committee assignments by completing an application. Members of the public shall be eligible to serve on only one Standing Committee at a time. Members of the public who reside within the boundaries of County Service Area No. 9, Zone I are eligible to apply to the Emergency Services Advisory Committee (ESAC) only.

The General Manager shall prepare an appointments list of all Standing Committees. This list shall be known as the local appointment list and will be provided to the Board of Directors at the first meeting in February or other date established by the Board of Directors.

(h) The local appointment list shall be made available to the members of the public and shall be posted at the District office and the District's web site.

(i) Whenever an unscheduled vacancy occurs on a Standing Committee, a special vacancy notice shall be posted at the District office, the public library, the District's web site, and other places as directed by the Board of Directors, not earlier than twenty days before, or not later than twenty days after the vacancy occurs inviting the public to apply for appointment as a committee member.

Final appointment of Standing Committee members shall not be made by the Board of Directors for at least ten working days after the posting of the Notice at the District's office.

(j) Notwithstanding Section 11.1(g), above, the Board of Directors may, if it finds an emergency exists, fill the unscheduled vacancy immediately. The person appointed to fill the vacancy shall serve only on an acting basis until final appointment is made pursuant to Sections 11.1(f) and (g), above.

(k) A Standing Committee member will automatically be removed if he/she has three unexcused absences or misses four meetings in one calendar year.

(l) All Standing Committee members will receive Brown Act training and all meetings shall be conducted as public meetings in accordance with the Brown Act. Summary notes for each meeting of each Standing Committee shall be forwarded to the Board of Directors as a public record.

(m) The Board President may appoint persons to a subcommittee to assist a Standing Committee in making recommendations to the Board of Directors. The duties of the subcommittee shall be outlined at the time of appointment and the subcommittee shall be considered dissolved when its final report has been made to the Standing Committee.

11.2 Ad Hoc Committees. The Board President shall appoint such *ad hoc* committees comprised of two or less Directors as may be deemed necessary or advisable by himself/herself and/or the Board of Directors. The duties of the *ad hoc* committees shall be outlined at the time of appointment, and the committee shall be considered dissolved when its final report has been made. *Ad hoc* committees shall timely provide the District General Manager with their recommendations and/or reports.

The Brown Act

California's Open Meeting Law

- The law designed to guarantee the public's right to attend and participate in meetings of local public legislative bodies is the Ralph M. Brown Act

3/3/2017

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WHO IS SUBJECT TO THE BROWN ACT?

- Governing Bodies and their members (e.g. Board of Directors)
- Subsidiary Bodies and their Members (e.g., standing committees)
- Private Corporations (publicly created)
- Private Corporations funded by District and board member is appointed by Board of Directors
- Successful candidates and nominees to one of the above

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SCOPE OF BROWN ACT

- What constitutes a “meeting”
- Notice Requirements for Meetings
- Agenda Requirements
- Public Participation at Meetings
- Recording of Meetings
- Disclosure of Written Materials
- Closed Sessions

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What is a Meeting?

- Majority of members of board present
- Members present at same time and place to hear, discuss or deliberate
- Item of discussion within subject matter jurisdiction of Board
- Serial Meeting

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KEY CONCEPT: SERIAL MEETING

- Use of consecutive or serial communications, each of which involves less than a quorum of the public body but which taken as a whole involve a majority of the body's members, either directly or indirectly through intermediaries, in person or by telephone, e-mail, or other electronic means, to develop collective concurrence or consensus on action to be taken
- Types: Hub-and-Spoke, Daisy Chain
- Think about social media, chat rooms and blogs as well

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Individual Contact Distinguished

- A member of a legislative body may contact an individual including another member of the same legislative body without an illegal meeting occurring
- BUT there is always a risk that one participant in the communication will disclose the views of the other participant to a third member, creating the possibility of achieving collective concurrence outside a public meeting

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Three Common Serial Meeting Scenarios

- Staff Briefings
- Constituent or Lobbyist as Intermediary
- Deal Making/Shuttle Diplomacy

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An Ounce of Prevention!

- Virtually all serial meeting violations can be prevented by following two simple rules of conduct:
 - Avoid discussing District business with a quorum of the Board outside a public meeting
 - Avoid soliciting, communicating, or hearing the views of other board members outside a public meeting

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WHAT'S NOT A MEETING SUBJECT TO BROWN ACT?

- Individual contacts (unless serial)
- Conferences
- Community meetings
- Another body of agency (but don't participate)
- Social or ceremonial events

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NOTICE REQUIREMENTS

- Notice must include time, place and business to be discussed
- Regular Meetings: notice and agenda posted at least 72 hours in advance
- Special Meetings: notice and agenda posted at least 24 hours in advance
- Emergency Meetings

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MEETING AGENDAS

- Post in freely accessible location
- Brief description of each item to be discussed or transacted
- NO ACTION OR DISCUSSION ON SUBJECT OR ITEM NOT DESCRIBED IN AGENDA (w/very limited exceptions)

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PUBLIC PARTICIPATION

- General Rule: At regular meetings members of the public must be given an opportunity to address Board on any item within subject matter jurisdiction of Board, whether on the agenda or not, and, if on the agenda, whether demarcated a public hearing or not, and whether on the regular or closed portion of the agenda

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OTHER BROWN ACT ISSUES

- Public has near-absolute right to record meetings
- Recordings of meetings by public agency are public records
- Written materials distributed to all or a majority of Board are, subject to very narrow exceptions, public records and must be made available for inspection and copying

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Remedies for Violation of the Brown Act

- Criminal
 - Misdemeanor (fine of not more than \$1000 and/or imprisonment of not more than 1 year)
 - Specific Intent
Required: member must have intended to deprive public of information or right to participate
- Civil
 - Action by DA or by other interested party to invalidate action at improper meeting, costs, and attorneys' fees
 - Potential to infect decisions by other boards/councils

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ITEM 4

**APPROVAL OF MEETING MINUTES OF
NOVEMBER 21, 2016**

Los Osos Community Services District
DRAFT Minutes of the Parks & Recreation Advisory Committee Meeting
November 21, 2016 at 5:30 p.m. in the Board Meeting Room, Suite 106

AGENDA ITEM	DISCUSSION	FOLLOW-UP
<p>1. Call to Order, Flag Salute, Silent Observation; and Roll Call</p>	<p>Chairperson Storm called the meeting to order at 5:32 p.m. and led the flag salute.</p> <p><u>Roll Call:</u> Stephen Best, Committee Member – Present Andrea Lueker, Committee Member – Absent Shaunna Sullivan, Committee Member - Present Julie Tacker, Committee Member – Present Lou Tornatzky, Vice Chairperson – Absent Jon-Erik Storm, Chairperson – Present</p> <p><u>Staff:</u> Renee Osborne, General Manager Ann Kudart, Administrative/Accounting Assistant III</p>	
<p>2. Approval of Parks & Recreation Committee Meeting Minutes of August 15, 2016</p>	<p>Administrative/Accounting Assistant Kudart presented the item for Committee discussion and/or approval.</p> <p>Public Comment: None</p> <p>Committee Member Tacker made a motion to approve the minutes. The motion was seconded by Committee Member Sullivan. The motion carried with the following roll call vote: Ayes: Tacker, Sullivan, Best Nays: None Abstain: None Absent: Lueker</p>	<p>Action: Approve and file minutes.</p>
<p>3. Discussion of Potential Features and Committee Recommendation to the Board to Direct Staff to Prepare Request for Proposals (RFP) for a Dog Park at the Former Vista de Oro Leach Field Site or Other Suitable Location</p>	<p>The Committee discussed public support for a community dog park, discussed potential suitable sites, the need to move forward, get hard numbers and plans, and continue property negotiations; they discussed the possibility of a 501c foundation taking responsibility for the dog park.</p> <p>Public Comment – Linde Owen spoke.</p> <p>Committee Member Sullivan made a motion to recommend that the Board begin the RFP process, that the Board pick a site for a dog park to include grass, fencing, fresh water, parking and separate large and small dog areas. The motion was seconded by Committee Tacker. Ayes: Sullivan, Tacker Nays: Best Abstain: None Absent: Lueker</p>	<p>Action: The Committee recommended that the Board direct staff to prepare an RFP for a community dog park.</p>
<p>4. Discussion and Recommendation to the Board to Direct Staff to Enter into Discussions with San Luis Unified School District Regarding Potential Use of Sunnyside for Park Space Including Various Uses</p>	<p>Chairperson Storm reported on potential inexpensive rental/lease to use Sunnyside which is across the street from the existing park.</p> <p>Public Comment: None.</p> <p>Committee Member Sullivan made a motion to recommend that the Board direct staff to enter into discussions with the School District to discuss various uses of Sunnyside School. The motion was seconded by Committee Best.</p>	<p>Action: The Committee recommended that the Board direct staff to enter into discussions with the School District.</p>

AGENDA ITEM	DISCUSSION	FOLLOW-UP
<p>Recommended by the Community Needs Assessment Survey</p>	<p>Ayes: Sullivan, Best, Tacker Nays: Best Abstain: None Absent: Lueker</p>	
<p>5. Discussion and Committee Recommendation to the Board to Direct Staff to Prepare a Request for Proposals (RFP) for a Bench/Picnic Table Area at 3rd Street Property</p>	<p>The Committee discussed the District property on 3rd Street as a small pocket park with the possibility of a bench and/or picnic table memorializing a loved one donated by a member of the community.</p> <p>Public Comment: None.</p> <p>Committee Member Sullivan made a motion to recommend that the Board direct staff to request possible donations of a bench and/or picnic table. The motion was seconded by Committee Tacker. Ayes: Sullivan, Tacker, Best Nays: Best Abstain: None Absent: Lueker</p> <p>Committee Member Tacker announced that she and Jeff Edwards would very much like to donate a bench in memory of Jeff's daughter.</p>	<p>Action: The Committee recommend that the Board direct staff to request possible donations of a bench and/or picnic table.</p>
<p>6. Discussion and Committee Recommendation to the Board to Authorize the Parks and Recreation Advisory Committee Chairperson to Send a Letter Summarizing the Study's Findings and Feedback to Other Local Park Agencies and Officials</p>	<p>Chairperson Storm reported on formally providing local agencies information on the public feedback received from the Community Needs Assessment Survey.</p> <p>Public Comment: None.</p> <p>Committee Member Tacker made a motion to recommend that the Board direct the Committee Chairperson to send a letter to other local agencies and officials. The motion was seconded by Committee Sullivan. Ayes: Tacker, Sullivan, Best Nays: Best Abstain: None Absent: Lueker</p>	<p>Action: The Committee recommend that the Board direct the Committee Chair to send letters to other local agencies.</p>
<p>7. Public Comment on Items NOT Listed on the Agenda</p>	<p>None.</p>	
<p>8. Schedule Next Parks and Recreation Advisory Committee Meeting</p>	<p>The next meeting date and time will be determined after the new Board gives the committee its work plan and when those work plan items become timely.</p>	
<p>9. Closing Comments by Parks & Recreation Committee Members</p>	<p>Committee Member Sullivan inquired if the District would be interested in property on 8th Street and Santa Ysabel.</p> <p>Committee Best requested discussions concerning trails and pathways throughout the community; partnership with LOCAC; and the need for parks and recreation maintenance crews.</p>	
<p>10. Adjournment</p>	<p>The meeting adjourned at 6:45 p.m.</p>	

ITEM 5

**REVIEW OF 2017 PARKS & RECREATION
COMMITTEE WORK PLAN**



PARKS AND RECREATION ADVISORY COMMITTEE 2017 WORK PLAN

President

Jon-Erik G. Storm

Vice President

Vicki L. Milledge

Directors

Charles L. Cesena
Marshall E. Ochylski
Louis G. Tornatzky

General Manager

Renee Osborne

District Accountant

Robert Stilts, CPA

Unit Chief

Scott M. Jalbert

Battalion Chief

Josh Taylor

Recommendations for Parks and Recreation Advisory Committee in 2017:

1. Produce an RFP for an "Adopt-A- Park" organization to provide maintenance for the future site of the Dog Park.
2. Recommend parameters and terms of agreement for RFP "Adopt-a-Park" organization.
3. Possible 3rd Street Promenade
4. Possible Picnic Area/Wildlife view on Binscarth Road.
5. Discussion regarding proposed Montana de Oro National Seashore/ National Park.

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