

OCEANO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
February 24, 2010

Wednesday

Oceano

The Meeting was called to order by President Dahl at 6:30 p.m.

1. Roll Call

Present: President Dahl, Vice President Dean, Director Angello, Director Hill,  
Director Lucey

Absent: None

Staff Present: Raffaele F. Montemurro, Board Secretary/General Manager; Philip T. Davis,  
Utility Operations Supervisor; Alex Simas, District Legal Counsel

Staff Absent: Gina A. Davis, Deputy Board Secretary/Administrative Assistant; Mike Hubert,  
Fire Chief

2. Flag Salute

President Dahl led the flag salute.

3. Public Comment \*

Nancy MacNeil, Oceano, commented from her attached prepared letter regarding public comment and the letter included in a board packet by President Vern Dahl regarding timelines for the potential lawsuit regarding Bill Bookout

Carole Henson, Oceano, commented on budget costs, rate increases, and the 7000 mailers sent out for board vacancy that cost eight hundred dollars. Ms. Henson stated that the following agenda items: General Manager Items/Discussion and the Reports of District Representatives have not been given since December, 2009. She hopes that the revolving door of the General Manager stops and the audit is completed.

David Chiaffardini, Oceano, asked the Board to be consistent with the three minute Public Comment criteria.

Felma Hurdle, Oceano, addressed the selective set of criteria for the Board Vacancy. Ms. Hurdle requested her name be withdrawn.

Larry Bross, Oceano, stated OSCD is busy about procedure and needs to get down to substance.

4. Board Member Comment \*

President Dahl stated the he was moving Agenda Item 4, Board Member Comment, in between Agenda Items 14 and 15.

Director Lucey stated she would like Agenda Item 13, Consideration of Warrants, moved to the beginning of the Agenda. President Dahl stated procedure will be discussed at Agenda Item 7.

5. Reconsider the Appointment to Fill a Vacancy on the Board of Directors \*

President Dahl recused himself, passed the gavel to VP Dean, and left the room. DLC Simas introduced the item, stating the item is on agenda at his request. At the February 10, 2010

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meeting, the Board attempted to appoint an applicant to the vacant board seat. The Board appointed Lori Angello. She was subsequently sworn in and acted as Director for the remainder of the meeting. It was since determined that Government Code 61045 requires 3 affirmative votes to appoint Ms. Angello. Consequently, the action was outside the authority of the Board and subject to challenge. However, Ms. Angello has the ostensible authority to act until she either steps down or is removed by order of the Superior Court. If no one challenges Ms. Angello appointment and Ms. Angello continues to sit, Ms. Angello's position will be up for election in November. If someone challenges Ms. Angello and she is removed, then any action in which Ms. Angello made the third vote of a 3-2 majority is potentially subject to challenge. DLC Simas outlined the procedure for reconsideration of the vacancy should Ms. Angello step down:

1. Reconsider the appointment
2. Discuss and set the procedures
3. Consider and vote for an applicant
4. If no applicant is voted in, vote for a Special Election. The election would be concurrent with the November 2, 2010 election.
5. Failing vote for a Special Election, it goes to the Board of Supervisors, who must appoint by March 31, 2010. ~~Election~~. If Board of Supervisors does not act, it goes to the Special Election in November.

If Ms. Angello refuses to voluntarily step down, reconsidering the appointment would be a useless act.

DLC Simas stated he received a letter from President Dahl, stating there was a Brown Act Violation on February 10 meeting when the consideration of the procedures for selection of a candidate to fill the vacant position as director was not on the agenda. The Board has a choice, to act on this or not.

DLC Simas apologized to the Community for giving the Board the wrong information: That a 2-1 vote not the required three affirmative votes was necessary for the appointment and stated he would do all he could to try and fix it.

VP Dean asked Director Angello, if she wished to step down from the Board. Director Angello said, "no."

Director Hill stated he saw no relevance to this because there is no vacancy. The Board acted according to the procedure put in place on the advice of Counsel.

VP Dean stated that she presided during an illegal action. The appointment was illegal. She apologized. ~~She enumerated~~ *VP Dean stated her opinion of the illegal actions that occurred at the February 10, 2010 meeting.*

1. Brown Act violation. The approval of the process for the appointment required a vote. Any item requiring a vote must be posted 72 hours in advance.
2. GM Montemurro changed the procedure without anyone seeing the procedure until the night of the meeting. However, that procedure still included the following language, "The nominee who receives the most votes with a minimum of three Directors voting for that nominee shall be appointed..."

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3. We had a tie vote and we did not recognize the tie vote.

Votes for Ms. Angello: Lucey – yes, Hill – yes, Dean – no  
Votes for Ms Hurdle: Lucey – no, Hill – abstain, Dean – yes

An abstention is a “yes” vote according to our Rules of Order. Pertinent Rules of Order read to the public. VP Dean believes that we need to go to the Superior Court and ask that they make the decision for the Board. The Board did not act.

a. Procedures

Ms. McNeil *MacNeil* stated that her letter be sent out in the next Board packet.

Karen White, Halcyon, stated that she wished the Board will deal with the issues.

Bill Smith, Oceano, stated the Board argues about nothing and the Board Vacancy should be turned over to the County.

Mr. Bross stated a new majority should take over.

Kathy Young, Oceano, stated the Board is not above the State of California. Ms. Young asked if a person appointed lived in Nipomo, was sworn into office, and later was found to not live in Oceano; would they be able to state, “no I do not want to step down from office.” DLC Simas stated there a different set of rules that would apply to the situation.

Ms. Henson stated let the District do the will of the people.

DLC Simas stated that even though the Board relied upon his opinion, he was not there the night of the meeting.

Ms. Hurdle stated since there are multiple opinions from multiple attorneys, then let the Superior Court settle the matter. She stated that the money spent cannot outweigh the lost revenue and the Board activity. Director Hill stated that the public should not comment on a public comment.

Rick Searcy, Oceano, questioned President Dahl’s recusal. Is President Dahl going to rescue himself all together or is he going to continue to send letters to the Board. Mr. Searcy stated a majority vote is self-explanatory.

Cindy Winter, Oceano, asked if this falls under Errors and Omissions. Ms. Winter stated Director Angello is capable of her duties.

Kevin Rice, San Luis Obispo, stated Ms. Angello is a qualified candidate.

Director Lucey stated two words process and tolerance. She suggested that a model be built that OSCD would enable to get through process and deal with the substance. She stated OCSD operates on hand picked policies The District will need to be patient and tolerant of public process. She stated that Government Code Section 64045 61045 is a code not a law.

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Ms. Winter handed out twenty-five copies of a letter from Alex Simas to VP Dean at the request of VP Dean.

Director Lucey asked DLC Simas if the District going to be charged for the time spent on this issue. DLC Simas stated he will credit forty-five minutes from this meeting plus an additional five to ten minutes prior office hours.

**VP Dean closed Board Vacancy Reconsideration. No further action was taken. Director Angello remained seated on the Board.**

- b. Appointment  
**No action taken.**
- c. Failing Appointment, Consideration of Call of a Special Election (November 2, 2010)  
**No action taken.**

Director Lucey requested that Agenda Item 13, Consideration of Warrants be moved up. President Dahl stated Agenda Item 13. Consideration of Warrants, would be the next agenda item.

13. Consideration of Warrants

Director Lucey asked GM Montemurro what the \$1790.25 allocated to United Staffing Associates for. GM Montemurro stated that charge is for last month's fee for the temporary position. He stated that he is cutting the temporary hours to part time.

Director Lucey asked about the voided warrant for Director Dahl. GM Montemurro stated the anticipated number of meetings was not met and a corrected check needed to be issued. GM Montemurro suggested that each Director provide a list of the meetings they attended to ensure proper payment.

Ms. Henson asked if there was any reporting system in place for Directors who attend meetings. GM Montemurro stated that the Directors can use email or drop off a list with the Committees attended.

Director Hill stated that he will not be able to support the warrants because he has not had an opportunity to look them over.

Director Angello asked what on Page 6, Payee United Rental, check amount \$275.03, was for. GM Montemurro stated it was for training, manuals, and taxes.

**Therefore, after a request for public comment, (none being given), upon motion by Director Lucey, second by VP Dean, and on the following roll call, to wit:**

**AYES: Director Lucey, VP Dean, Director Angello, President Dahl**

**NOES: Director Hill**

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**ABSENT: None**

**ABSTAIN: None**

**The Board approved the expenditures as shown on the Warrant Register Summary, totaling \$676,559.60 on a vote of 4-1.**

6. Review and Approval of Minutes

a. January 27, 2010 Minutes

GM Montemurro reported minutes are in draft form and not ready.  
**President Dahl tabled the item.**

b. February 10, 2010 Minutes

GM Montemurro reported that the Minutes are in draft form and not ready.  
**President Dahl tabled the item.**

7. Administrative Items

a. Discussion Regarding Agenda Format

GM Montemurro presented item regarding the format/procedures of the agendas to insure the Board is able to address each item on agenda.

Dave Angello, Oceano, stated the agenda is erroneous. He suggested that the specialists invited to speak be first priority of business.

Director Lucey suggested the following:

- Time limit on each agenda item.
- Move Consideration of Warrants to the beginning of agenda.

Director Lucey stated she would like a Quarterly Asset Report at the March 10, 2010 agenda.

VP Dean and Director Lucey stated they would like a Mid-Year Budget Cycle report from staff at the March 10, 2010 Board Meeting.

VP Dean stated the Board and the Public should be in sync with a time limit. VP Dean suggested the use of a timer. GM Montemurro stated he will provide a timer at the meetings.

**The consensus of the Board is the use of a timer at the Board meetings; The Consideration of Warrants is moved to beginning of agenda, and the report of Mid Year Budget Cycle.**

**President Dahl called for a break at approximately 7:42 pm.**

**The meeting was called to order at approximately 7:52 pm.**

**The consensus of the Board is move agenda item 10 next.**

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Ms. Henson asked why item 10 b was not framed and would like to know what 10 b is. DLC Simas stated that it is not frame because it allows the Board to discuss the matter without making public who the litigation involves so that the Districts strategy whether to

initiate litigation of not is not disclosed to the opposing party. DLC Simas recommends that the Board not provide any addition information beyond what is on the agenda. Ms. Henson asked if a decision is made will the Board disclose the outcome. President Dahl stated there will be a report given after close session. DLC Simas stated the general rule is the action will be reported.

**Adjourn to Closed Session approximately 7:55 pm.**

**Return to Open Session approximate time unknown.**

10. a. CLOSED SESSION, CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION.  
CLOSED SESSION – A closed session pursuant to Government Code Section 54956.9(a) to meet with the District's Legal Counsel concerning pending litigation. (Santa Maria Groundwater Litigation, Santa Clara County Case #CV 770214)

**DLC Simas stated that the Board received a report and no action was taken.**

- b. CLOSED SESSION CONFERENCE WITH LEGAL COUNSEL  
CLOSED SESSION – A closed session pursuant to Government Code Section 54956.9 (c) to determine whether to initiate litigation.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by Director Lucey, and on the following roll call, to wit:**

**AYES: Director Hill, Director Lucey, Director Angello**

**NOES: VP Dean, President Dahl**

**ABSENT: None**

**ABSTAIN: None**

**The Board instructs GM Montemurro and District Legal Counsel to investigate the potential claim further and report back to the Board, on a vote of 3-2.**

8. Fire Items  
None

9. Utility Items  
a. Cleaning and Inspection of District Sewer and Water Lines  
GM Montemurro introduced the item.

**Therefore, after a request for public comment, (none being given), upon motion by VP Dean, second by Director Hill, and on the following roll call, to wit:**

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**AYES:** VP Dean, Director Hill, Director Angello, Director Lucey,  
President Dahl

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**The Board approved the Continuance of the Declaration of Emergency, on a vote of 5-0.**

- b. Sewer Repair and Replacement Project: Progress Payment #7  
GM Montemurro introduced item.

**Therefore, after a request for public comment, (none being given), upon motion by VP Dean, second by Director Lucey, and on the following roll call, to wit:**

**AYES:** VP Dean, Director Lucey, Director Angello, Director Hill,  
President Dahl

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

**The Board approved Progress Payment #7 \$122,147.55 to R. Baker Construction, on a vote of 5-0.**

- c. Will Serve, Fire Safety Plan, and Fee Letters: Dean, Pamela (OCSD #6195.84)  
GM Montemurro introduced item. VP Dean rescued herself from this item.

Ms. Henson asked what the water connection was for. GM Montemurro stated he will need to ask UOS Davis if this is an existing or new meter.

Director Hill asked is residential dwellings required to have sprinkler system. GM Montemurro stated no; however, in 2011 the rules will change. Director Hill asked about the front footage fees. GM Montemurro stated they had been paid.

Director Lucey asked if it was new construction. UOS Davis stated it was new construction. Director Lucey suggested that prior paid front footage fees be mentioned on paperwork.

Director Lucey asked what does "this project falls under the EXCEPTION OF CONTENT REQUIREMENTS." mean. GM Montemurro stated it passed the requirement. UOS Davis stated this refers to the Fire Safety Plan.

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**President Dahl directed staff to change the format all future will serve letters to reflect all the different fees that have and have not been paid.**

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by Director Angello, and on the following roll call, to wit:**

**AYES: Director Hill, Director Angello, Director Lucey, President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved the will serve Single Family Residence: 1929 Wilmar Ave; APN 062,261,084 OCSD #6195.84, on a vote of 4-0.**

- d. Will Serve, Fire Safety Plan, and Fee Letters: The Old Avocado Ranch (OCSD #6340.19)  
GM Montemurro introduced item. He stated that this project is exempt from fire sprinklers because of the square footage and it is a residential single family dwelling; however, in January, 2011, new laws will be in effect. UOS Davis stated the front footage fees were paid several years earlier.

**Therefore, after a request for public comment, (none being given), upon motion by Director Angello, second by President Dahl, and on the following roll call, to wit:**

**AYES: Director Angello, President Dahl, VP Dean, Director Hill**

**NOES: Director Lucey**

**ABSENT: None**

**ABSTAIN: None**

**The Board will serve Single Family Residence: 1530 25<sup>th</sup> Street; APN 062,075,019 The Old Avocado Ranch (OCSD #6340.19), on a vote of 4-1.**

- e. Will Serve, Fire Safety Plan, and Fee Letters: The Old Avocado Ranch (OCSD #6340.41)  
GM Montemurro introduced item. He stated that this project is exempt from fire sprinklers because of the square footage and it is a residential single family dwelling; however, in January, 2011, new laws will be in effect. UOS Davis stated the front footage fees were paid several years earlier.

**Therefore, after a request for public comment, (none being given), upon motion by Director Angello, second by President Dahl, and on the following roll call, to wit:**

**AYES: Director Angello, President Dahl, VP Dean, Director Hill**



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**NOES:** Director Lucey

**ABSENT:** None

**ABSTAIN:** None

**The Board approved the will serve The Old Avocado Ranch (OCSD #6340.41) Single Family Residence: 1490 Nabal Court; APN 062,075,041, on a vote of 4-1.**

- f. Will Serve, Fire Safety Plan, and Fee Letters: The Old Avocado Ranch (OCSD #6340.42)  
GM Montemurro introduced item. He stated that this project is exempt from fire sprinklers because of the square footage and it is a residential single family dwelling; however, in January, 2011, new laws will be in effect. UOS Davis stated the front footage fees were paid several years earlier.

**Therefore, after a request for public comment, (none being given), upon motion by Director Angello, second by President Dahl, and on the following roll call, to wit:**

**AYES:** Director Angello, President Dahl, VP Dean, Director Hill

**NOES:** Director Lucey

**ABSENT:** None

**ABSTAIN:** None

**The Board approved the will serve The Old Avocado Ranch (OCSD #6340.42) Single Family Residence: 1480 Nabal Court; APN 062,075,042, on a vote of 4-1.**

- g. Will Serve and Fire Safety Plan Letters: Guardian and Chief, Temple of the People/Rutiz (OCSD #6426)  
GM Montemurro introduced item.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by VP Dean, and on the following roll call, to wit:**

**AYES:** Director Hill, VP Dean, Director Angello, President Dahl,

**NOES:** None

**ABSENT:** None

**ABSTAIN:** Director Lucey

**The Board approved the will serve Guardian and Chief, Temple of the People/Rutiz (OCSD #6426) Roof Only Vegetable Cover: 1075 The Pike; APN 062,321,001 on a vote of 4-0, with one abstention.**

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- h. Will Serve and Fire Safety Plan Letters: Mid-State Properties (OCSD #6425)  
GM Montemurro introduced item.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by VP Dean, and on the following roll call, to wit:**

**AYES: Director Hill, VP Dean, Director Angello, President Dahl,**

**NOES: None**

**ABSENT: None**

**ABSTAIN: Director Lucey**

**The Board approved the will serve Mid-State Properties (OCSD #6425) Parcel Map CO 06-0016: 683 Airpark Drive; APN 061,041,016 on a vote of 4-0, with one abstention.**

- i. Will Serve Letter: Woodard (OCSD #6801)  
GM Montemurro introduced item.

Ms. White stated she is against the project.

Steven Puglisi, Architect for the Woodard Project, stated he will work with the Wallace Group to assure the District that OCSD has both the resources and infrastructure available to serve this project.

Ms. Henson stated that this would be a dense project in the one location and people may hang out in the Halcyon area or 7-11.

Director Lucey stated that this is a quality of life issue and would like to hear from the developer and how it would affect the encroachment of neighbors.

VP Dean requested that the item be tabled to allow the Board more time to review.

**At 9:58 pm the Board unanimously approved continuing the meeting until 10:30PM.**

President Dahl suggested that GM Montemurro gather the Board's questions and give them to Mr. Puglisi, so he will have adequate time to respond.

**The Board tables the item.**

11. Reports of District Representatives \*

- a. **PRESIDENT VERN DAHL**

President Dahl reported the following items from the SSLOCSD January 6, 2010, January 20, 2010, February 3, 2010, and February 17, 2010 meetings.

- As of January, 2010, Oceano was one hundred percent compliant with the Fat, Oil, and

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Grease Program (FOG).

- Received 2008-2009 FYE audit and financial statements.
- Awarded construction contract to refurbish splitter box of influent pumps.
- Approved purchase of materials sludge withdrawn line project.
- Authorized solicitation of bids to purchase influent pump gates and check valves
- Began construction bidding process for a centrifuge project.
- Authorized last payment for cogeneration project.
- Received a \$150,000 rebate check from the Gas Company.
- Staff completed a tank removal.
- Staff performed pump wiring and installation of explosive-proof motors.
- Staff still working on the chlorination issue.

President Dahl reported the following items from the Oceano Advisory Council December 12, 2009, January 25, 2010, and February 15, 2010 meetings:

- Sending list of impacts to County.
- A modular building will be set next to the CHC on Cienaga to expand the work area.
- The County will establish a no parking zone on Juanita Ave at Lakeside Ave.
- An application for a convenience store at 1711 Front Street was reviewed.

b. **VICE PRESIDENT PAMELA DEAN**

VP Dean consolidated and reported the following items from the Fire Oversight Committee December 18, 2009 and February 19, 2010 and the Fire Committee January 26, 2010 and February 23, 2010:

- That John Bova, Oceano Fire Captain, stated that he was able to use the fire ladder for the first time.
- Engine 61 is old and there are metal fatigue issues.
- Arroyo Grande received \$815,625.00 from the Assistance to Fire Fighters Grant.
- The final Joint Powers Authority budget will be presented at the next Fire Oversight Committee held in Grover Beach on Thursday, March 18<sup>th</sup>, at 3:30 pm.

VP Dean reported the following items from the Zone 1/1A meeting:

- The EIR will be ready for certification in July 2010.
- Mitigation measures are on track.
- The temporary levee has a protective covering.
- Emergency Response Plan and pamphlet regarding flooding and evacuation are available in the District office.
- Money is needed for fixing the flap gates.
- The Fish and Game Veg Permit will be the same permit type as in prior years.

c. **DIRECTOR JIM HILL**

Director Hill reported the following items from the SSLOCS D December 16, 2009 meeting:

- Major topic was the personnel class adjustments to the compensation program; he was not able to support item because the OCS D did not do a class adjustment, however, the item passed on a vote of 2-1.

d. **DIRECTOR MARY LUCEY**

Director Lucey stated that Zone 3 has not met since her last report.

Director Lucey stated that Tony Navarro asked if she would represent Oceano on a \$1.5M

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Homeless Campus Project being designed by the California Community Foundation.

Director Angello suggested that the Reports of District Representatives be given in a timely manner.

Ms. Henson stated that she attended the Oceano Advisory Committee and stated that a modular building maybe placed next to the CHC. President Dahl stated he should have said planning to put modular medical unit next to the CHC on Cienaga to expand the work area.

12. General Manager Items/Discussion \*

a. Update Regarding Progress Toward Purchase of New Accounting Software

GM Montemurro presented item. He stated that on March 10, 2010 Craig Dixon, Tyler Technologies Territory Manager will be attending the Board meeting to answer any questions. GM Montemurro stated that he and Tyler Technologies are looking into different ways of purchasing the software.

b. Update Regarding Prop 1 A.

GM Montemurro presented item. He stated the District had received its first installment check for \$34,333.00.

c. Other

GM Montemurro reported he has made contact with a CPA firm, Glenn Burdette, Phillips, and Bryson, who may do the forensic audit.

13. Board Member Discussion \*

VP Dean asked GM Montemurro for Tyler Technologies information. GM Montemurro stated the Company is publicly owned, trades on the stock exchange, and their financials are on the web.

Director Lucey suggested that Agenda Item "General Manager Items/Discussion," be moved to beginning of agenda so the public can see that things are moving forward. President Dahl stated he would move General Manager Items/Discussion before Reports of District Representatives.

14. Public Comment \*

15. Written Communications

None.

President Dahl adjourned the meeting at approximately 10:30 pm.

Raffaele F. Montemurro, Board Secretary

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The Meeting was called to order by President Dahl at 6:30 p.m.

1. Roll Call

Present: President Dahl, Vice President Dean, Director Lucey, Director Hill  
Director Angello

Absent: None

Staff Present: Raffaele F. Montemurro, Board Secretary/General Manager; Gina A. Davis, Deputy Board Secretary/Administrative Assistant; Philip T. Davis, Utility Operations Supervisor; Alex Simas, District Legal Counsel

Staff Absent: Mike Hubert, Fire Chief

2. Flag Salute

President Dahl led the flag salute.

3. Public Comment \*

Jos Holmes, Grover Beach, stated things would get done as a cohesive team effort

Kathy Young, Oceano, stated that she wanted to clarify that it is not costing the District any money in regards to the Pamela Dean litigation. DLC Simas is not charging the District. Ms. Young read her prepared list of comments.

Laurel Marquaret, Oceano, thanked President Dahl and VP Dean, for working with her in relation with the O'Conner/Takken Project and addressing the 13 Monterey Pine trees that are on the development property.

Erika Bylund, Oceano, stated that if OCSD would consider evaluating the condition of the neighborhoods and organize community support, it might improve the conditions of tourism which will provide revenue.

Nell Langford, Pismo Beach, stated that the 4,000 vehicles that travel up and down Pier Avenue takes away from the natural beauty of Oceano Dunes and pollutes the air. Ms. Langford presented the letter that was sent by the District dated April 1<sup>st</sup>, 2010, to the San Luis Obispo Board of Supervisors that addressed the Phase Two Particulate Study.

Carole Henson, Oceano, stated that original files need to be located at the District office and copies be provided to UOS Davis when working on a project.

4. Board Member Comment \*

Director Lucey reported that the California Community Foundation task force has grown exponentially and moving forward towards a Day Use Facility in Oceano.

Director Lucey requested that Agenda Items 9. Administrative Items, c. Discussion of the District's Finances and g. Discussion of Robert's "Rules of Order" be moved for immediate Discussion President Dahl stated that Item g. Discussion of Robert's "Rules of Order" will be discussed after Agenda Item 5. Reports.

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Director Hill stated he would like the following items added to future agenda's: the General Manager's Review for contract negotiations, 19<sup>th</sup> Street property dedication, and address financial matters for untimely IRS filings. President Dahl stated that each Director speak with General Manager to have a staff report prepared and then put on the agenda.

VP Dean stated that Zone 11A will be raising the levee for flood control between the Railroad Bridge and the Sanitation District starting April 19<sup>th</sup> - 30<sup>th</sup>, 2010. She presented that it is Clean Up Week and the starting of Weed Abatement.

5. Reports\*

- a. Commander Brian Hascall, Sheriff's South Station reported the following arrest on March 19<sup>th</sup>, 2010 for narcotics which resulted in a parole violation, there were 2 calls reporting an Oklahoma Lottery Commission Scam. Commander Hascall states if you receive one of these calls, hang up. As a proactive approach to the homeless around the lagoon area, starting April 1<sup>st</sup>, 2010 from 5PM to 8PM there has been 7 public intoxication arrests, 3 illegal encampments, and 1 under the influence of illegal narcotics.
- b. March, 2010 Report for Fire Department  
Captain Leathers presented the March 2010 report for the Fire Department.
- c. March, 2010 Report for Utility Departments  
UOS Davis presented the March 2010 report for Utility Department. UOS Davis stated that the fire hydrant had been replaced on the Pike and the cost of damages is being calculated.
- d. March, 2010 Report for Administration  
AA Davis presented the March 2010 report for Administration. AA Davis stated that the first payment of \$540,000 was received for the damages from the San Simeon earthquake.

VP Dean and Director Hill agree that letters of commendations for Tony Navarro, Doug Groshart, and John Wallace should be presented for assisting the District.

**The Board directs staff to prepare a letter of commendation for the next board meeting so that the letter may be signed by the Directors prior to the letter being sent to Tony Navarro, Doug Groshart, and John Wallace.**

9. Administrative Items

g. Discussion of Robert's "Rules of Order"

GM Montemurro presented the discussion for the feasibility of Robert's Rules of Order.

DLC Simas recommends examining the Robert's Rules of Order.

Director Hill supports Robert's Rules of Order be primary and have special rules that supersede when necessary

DLC Simas stated that Robert's Rules of Order is a method for conducting a meeting. Mr. Simas stated that if the Board did away with the existing Rules of Order it would do away with the President and the Vice President. He stated that the existing Rules of Order say

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that anything not cover in the Rules of Order will be covered by the Robert's Rules of Order. DLC Simas recommends that the existing Rules of Order be examined and keep what is needed and have Robert's Rules of Order apply to everything else and then enforce of the Rules of Order. Mr. Simas states this issue is a practical problem by how the rules are implemented.

VP Dean recommends that OCSD check with the Community Services Districts and what they use in their meeting.

Director Angello supports the District use the Robert's Rules of Order.

Director Hill called the question.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by Director Lucey, and on the following roll call, to wit:**

**AYES: Director Hill, Director Lucey, Director Angello**

**NOES: VP Dean, President Dahl**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved using the Robert's Rules of Order exclusively, on a vote of 3-2.**

**President Dahl called for a break at 8:50 pm.**

**The meeting was called to order at 8:55 pm.**

5. Agenda Item Scheduling: The Manner in which items find their way to the Board meeting agenda. GM Montemurro recommends under the Robert's Rules of Order that the Board make a motion that would direct staff in preparing an agenda with their suggestions for the next scheduled Board meeting.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by Director Angello, and on the following roll call, to wit:**

**AYES: Director Hill, Director Angello, Director Lucey, VP Dean, President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board directs General Manager to prepare an agenda for the next meeting, consisting of current District Business and including previously requested items**

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**which are review of contracts, dedication of District property along 19<sup>th</sup> Street, establish bylaws for District which would include Director compensation and time of meeting, on a vote, 5-0.**

VP Dean spoke to the necessity of staff reports which assists her to make proper decisions.

Director Lucey recommends an executive committee to assist in preparation of the agenda.

DLC Simas recommends have a staff briefing prior to meetings and states be careful of a Brown Act violation.

**Therefore, after a request for public comment, (none being given), upon motion by Director Lucey, second by VP Dean, and on the following roll call, to wit:**

President Dahl offers a friendly amendment that the executive committee be formed with the five Board of Directors and two staff.

Director Lucey declines the friendly amendment that the executive committee be formed with the five Board of Directors and two staff.

President Dahl offers a friendly amendment that that the executive committee be formed with the five Board of Directors, two staff, and one at large seat.

**Director Lucey and Pamela Dean accept the friendly amendment that the executive committee be formed with the five Boards of Directors, two staff, and one at large seat.**

Director Angello suggested the executive committee be formed with two Board of Directors, two staff, and one at large seat.

Director Hill suggested that this be carried over to next agenda, due to the fact that the Board has provided direction for General Manager to proceed for the next meeting.

**Director Lucey and the second by VP Dean withdraw the motion that an executive committee be formed to deal with and set the agenda by three Staff, two Board of Directors, and two at large seats, that will meet once a month,**

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by Director Lucey, and on the following roll call, to wit:**

**AYES: Director Hill, Director Lucey, VP Dean, Director Angello, President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**



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**The Board unanimously approved that the concept of an executive committee be put on the next agenda.**

7. Review and Approval of Minutes

a. February 24, 2010

Director Hill stated Page 2, "...she presided during an illegal action. The appointment was illegal." Director Hill stated that the statement as it appears is not accurate. The "...enumerated the illegal actions that..." Director Hill stated that this is VP Dean's opinion and should be restated as "...VP Dean stated her opinion of the illegal actions that..."

**After a request for public comment, none being given, upon motion by Director Hill and second by Director Angello, the Board approved the Minutes February 24, 2010 as corrected, on a vote of 4-1, with Director Lucey abstaining.**

b. March 10, 2010

Director Hill, stated, Page 6, second paragraph from the bottom reads "VP Hill.." it needs to read "VP Dean"

**After a request for public comment, none being given, upon motion by Director Hill and second by Director Angello, the Board approved the Minutes March 10, 2010 as corrected, on a vote of 5-0.**

c. March 24, 2010

VP Dean stated, Page 7. Item 8 d., Director Angello abstained, not absent.

Director Hill stated the following corrections:

Page 3, Item 7, 4<sup>th</sup> paragraph strike the following "...and turned in her District cell phone to GM Montemurro as a means of saving money for the District."

Page 2, paragraph 2 reads "...the body so that..." needs to read "...the body be changed so that..."

Director Lucey suggested that corrected minutes be italicized and filed.

**After a request for public comment, none being given, upon motion by Director Lucey and second by Director Hill, the Board approved the Minutes March 24, 2010 as corrected, on a vote of 5-0.**

8. Consideration of Warrants\*

Director Angello asked, Page 8 Kirk & Simas, \$5,693.21 was there extra time. DLC Simas stated yes there was extra time. Director Lucey asked about the banked hours. DLC Simas stated that the 25 banked hours from the Director Vacancy litigation had been credited.

Director Angello asked, Page 5, US Treasury, 4<sup>th</sup> Qrt Penalty Charges, \$1,234.09 is this the item on the agenda for discussion. GM Montemurro answered no.

Director Hill stated, Page 7, Vern Dahl, OAC, \$50.00 the OAC meeting did not meet quorum. Why did Mr. Dahl receive compensation. President Dahl stated that the OAC is not governed by

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The Brown Act, therefore, if a quorum was not met the meeting can still be held. President Dahl stated that if there was an issue with the \$50.00 then that exact amount can be taken from the next month's stipend.

Director Hill asked, Page 8, Interstate Billing Service, what work does this company provided for the fire trucks. AA Davis stated that Interstate Billing Service handles the billing for Rush Trucking.

Lyn Hill, Oceano, stated that OAC in Nipomo is a Brown Act Meeting.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by Director Lucey, and on the following roll call, to wit:**

**AYES: Director Hill, Director Lucey, Director Angello, VP Dean,  
President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved the expenditures as shown on the Warrant Register Summary, with correction of \$50.00 for President Dahl, totaling \$69,575.40, on a vote of 5-0.**

**President Dahl stated that Item 11 b. Will Serve Letter: Woodard (OCSD # 6801) be moved as the next agenda item.**

11. Utility Items

b. Will Serve Letter: Woodard (OCSD #6801)

GM Montemurro presented item and recommends approval.

Director Lucey asked how are the sacred grounds protected and has annexing been looked into. GM Montemurro stated that Arroyo Grande has approved the project and as the District provides water, the revenue will be up to a quarter million dollars. GM Montemurro stated that if the District decided not to provide the water service, then Arroyo Grande will. Director Lucey would like the Woodard project annexed into the District for the tax and water revenue.

Director Hill stated the revenues would benefit the District. He addressed LAFCO's role and the sacred cemetery. Director Hill stated that the Woodard project connection fees and continuous water revenue could offset future water increase given that LAFCO approves.

AA Davis stated that her and UOS Davis have spoken with a LAFCO Representative and do not foresee any issues with this project.

VP Dean stated the developer should be responsible for any incurred LAFCO fees and

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would like to have the layout of fees for the sub division. AA Davis stated that a fee letter has not been provided as of yet. VP Dean stated that she does support the District services provided for this project. VP Dean directed the following question to the developer have you spoken with Arroyo Grande on how the residents of Halcyon will handle the cemetery and a dog park.

Greg Yeager, North Coast Engineering, stated that NCE has been sensitive to accommodate the requests of the City of Arroyo Grande. VP Dean stated that Arroyo Grande is in a water moratorium and asked if Arroyo Grande could provide the water. Mr. Yeager stated yes.

President Dahl directed the following question to GM Montemurro. When the mobile home parks were annexed off of Halcyon, was any property tax revenue received. AA Davis stated that the City of Arroyo Grande retains the property tax revenue; however, anytime there is a change in ownership there is a shift.

Director Hill asked is LAFCO considering placing this project into the Oceano Sphere of Influence or allowing the District to provide the water services. AA Davis stated that the application is asking for the following be incorporated into the contract: Lancaster track on the north side of the Pike, Russ Court, Paul Place, and portions of south Elm that the District currently serves.

Carole Henson, Halcyon, stated she is concerned about the impact of traffic and pedestrians on the corner of the Pike and Elm St, and suggests that a traffic light be put in. Ms. Henson stated that there is an accident each month at the Pike and Halcyon.

Dave Angello, Oceano, supports this continuous revenue generating project and how it may offset future rate increases. AA Davis stated she will talk with Mr. Church regarding who gets the property tax and why.

Max Torres, Oceano, stated that Arroyo Grande's concern is can they reverse the decision if the water moratorium changes in the future, so that they may provide the water to the Woodard Project.

VP Dean suggested that the cemetery be fenced to avoid the foot traffic.

**Therefore, after a request for public comment, (none being given), upon motion by VP Dean, second by Director Hill, and on the following roll call, to wit:**

**AYES: VP Dean, Director Hill, Director Angello, President Dahl**

**NOES: Director Lucey**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved the will serve of 23 Residential Units: The Pike at South Elm Street; APN 077,332,025,026, and 027 contingent upon LAFCO approval and speak**

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**to the people of Halcyon to address the areas of concern such as the cemetery and farmlands; on a vote of 4-1.**

9. Administrative Items

c. Discussion of the District's Finances

GM Montemurro presented the item. He stated that since January 2010 there has been budget cuts. As of March 31, 2010 the balance in the three accounts are as follows:

1. Rabobank	\$32,408.66
2. LAIF (State)	\$414,147.33
3. County	\$142,857.95
Total	\$ 589,413.94

GM Montemurro stated that he is looking into increase total revenue or decrease total cost. He stated that in nineteen months the District could go bankrupt. The District needs to look at lowering expenses and to raise revenue.

Director Angello suggested that Out of Town Seminar be streamlined and credit cards be cut up.

VP Dean suggested charging for agenda packets.

Director Lucey suggested a 30% District cutbacks.

**Therefore, after a request for public comment, (none being given), upon motion by Director Lucey, second by Director Hill, and on the following roll call, to wit:**

**AYES: Director Lucey, Director Hill, Director Angello, VP Dean  
President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved a 90 day moratorium on new District expenses and directs GM Montemurro to reduce expenses by 10%- 15% and that he be able to present District Finances at each board meeting, on a vote of 5-0.**

a. Receipt of a report from District Legal Counsel.

DLC Simas presented the details of failure to pay the IRS on time.

GM Montemurro stated from an IRS letter received on 4/15/2010 that \$1,234.09 was owed. The amount owed has been paid and we are currently paid to date with the IRS.

GM Montemurro stated that the AS 400 does not update the payroll taxes, however, each

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year the District hires a technician to key in the new payroll updates.

VP Dean asked what the mechanism in paying the 941's. GM Montemurro stated that it is a quarterly report. DLC Simas answered you can use the bank to push the money through to the IRS or the District can give authorization to the IRS to get the monies from the District bank account.

AA Davis stated she did the payroll during the month of October 2009 and told the GM Montemurro that she was unaware on how to pay the payroll taxes.

VP Dean asked DLC Simas the District cost for him looking into this matter. DLC Simas stated approximately 3 ½ to 4 ½ hours at \$200.00 per hour equaling approximately \$900.00.

**President Dahl stated to receive and file.**

**Therefore, after a request for public comment, (none being given), upon motion by Director Lucey, second by Director Angello, and on the following roll call, to wit:**

**AYES: Director Lucey, Director Angello, Director Hill, VP Dean, President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved to table the following items for the next agenda: 9b, 9d, 9e, and discuss items for the next Board Meeting agenda, and discuss agenda item 10 next, on a vote of 5-0.**

b. Discussion and possible response to unresolved Allegations.  
**Item tabled.**

d. LAFCO request for nominations  
**Item tabled.**

e. Reconsider Committee Assignments  
**Item tabled.**

f. Report on the Minutes Policy  
**Item tabled.**

10. Fire Items

GM Montemurro asked the Board if they would like to use the same weed abatement contractor as Grover Beach per the recommendation of the Fire Chief or run the bid in the newspaper. GM Montemurro stated that this will be the last year the Board will have to make

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this decision because the JPA will have hire one contractor.

DLC Simas stated when contracting for services, the District is not required to go through a bidding process, however, other agencies have sent out request for proposals or request for qualifications.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by Director Lucey, and on the following roll call, to wit:**

**AYES: Director Hill, Director Lucey, Director Angello, VP Dean,  
President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved to use GLM Gillespie Landscape Maintenance as the Contractor for the weed abatement for 2010 - 2011, on a vote of 5-0.**

11. Utility Items

- a. Cleaning and Inspection of District Sewer and Water Lines  
GM Montemurro presented item.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill second by VP Dean, and on the following roll call, to wit:**

**AYES: Director Hill, VP Dean, Director Angello, Director Lucey,  
President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved the Continuance of the Declaration of Emergency, on a vote of 5-0.**

- c. Will Serve and Fire Safety Plan Letters: Community Health Center (OCSD # 6428.00)  
GM Montemurro presented the item.

**Therefore, after a request for public comment, (none being given), upon motion by VP Dean, second by Director Hill, and on the following roll call, to wit:**

**AYES: VP Dean, Director Hill, Director Angello, Director Lucey,  
President Dahl**

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**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved the will serve Relocation of Existing Modular Bldg: 1941 Cienaga; APN 062,114,016; on a vote of 5-0.**

- d. Will Serve Letter: State of CA Parks & Recreation (OCSD #6412.00)  
GM Montemurro presented the item.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by Director Angello, and on the following roll call, to wit:**

**AYES: Director Hill, Director Angello, VP Dean, Director Lucey,  
President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved the will serve Vehicle Wash Rack: Oceano Dunes Maintenance Station, Hwy 1; APN 061,101,010 on a vote of 5-0.**

- e. Will Serve and Fire Safety Plan Letters: Brock (OCSD #6377.00)  
GM Montemurro presented item and recommends approval.

**Therefore, after a request for public comment, (none being given), upon motion by VP Dean, second by Director Hill, and on the following roll call, to wit:**

**AYES: VP Dean, Director Hill, Director Angello, Director Lucey,  
President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved the will serve SFR: 1620 – 14<sup>th</sup> St; APN 062,042,059, on a vote of 5-0.**

- f. Reconsider will serve letter and project info.  
GM Montemurro stated that he made an error by stating all fees were paid.

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VP Dean recused herself.

DLC Simas read a letter from Pamela Dean's attorney, Mr. Carsel. Mr. Carsel stated the Board needs to state the reason why Ms. Dean's will serve letter was chosen for reconsideration.

Director Hill stated the will serve of the property is fine, however; would like to see the front footage fees billed and paid. Director Hill stated that there was miss communication when the question was asked and now it needs to be fixed.

Ms. Dean stated that she would like to know why her project is being reconsidered and that it be stated for the record.

**Therefore, after a request for public comment, (none being given), upon motion by Director Hill, second by Director Angello, and on the following roll call, to wit:**

**AYES: Director Hill, Director Angello, Director Lucey,  
President Dahl**

**NOES: None**

**ABSENT: None**

**ABSTAIN: None**

**The Board approved that a response from Pamela Dean for the reconsideration of Ms. Dean's project be brought back on the next agenda, on a vote of 4-0.**

VP Dean requested that the three Takken Projects be brought back for front footage fee comparison to her project.

**Therefore, after a request for public comment, (none being given), upon motion by VP Dean, second by President Dahl, and on the following roll call, to wit:**

**AYES: VP Dean, President Dahl**

**NOES: Director Angello, Director Hill, Director Lucey,**

**ABSENT: None**

**ABSTAIN: None**

**The Board denies that the Takken Projects be brought back on the agenda for front footage comparison with Pamela Dean's project, on a vote of 2-3.**

12. Reports of District Representatives \*  
**Items tabled**



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a. **PRESIDENT VERN DAHL**

- |                    |                |                |            |
|--------------------|----------------|----------------|------------|
| (1) SSLOCSD        | 03 - 03 - 2010 | 03-17-2010     | 04-07-2010 |
| (2) Fire Committee | 03 - 23 - 2010 | 04 - 13 - 2010 |            |
| (3) OAC            | 03 - 15 - 2010 |                |            |
| (4) Other          |                |                |            |

b. **VICE PRESIDENT PAMELA DEAN**

- |                    |                |                |  |
|--------------------|----------------|----------------|--|
| (1) Fire Committee | 03 - 23 - 2010 | 04 - 13 - 2010 |  |
| (2) Other          |                |                |  |

c. **DIRECTOR JIM HILL**

- (1) Other

d. **DIRECTOR MARY LUCEY**

- (1) Other

e. **DIRECTOR LORI ANGELLO**

- (1) Other

13. General Manager Items/Discussion \*

a. Update regarding expenses

b. Update regarding staff

c. Other

14. Public Comment \*

15. Board Member Discussion \*

**Item tabled.**

16. Written Communications

**Item tabled.**

**First by Director Hill, second by Director Lucey, to adjourn to this location at 6:30 PM on April 28<sup>th</sup>, 2010, on a vote 5-0.**

Adjournment

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The Meeting was called to order by President Dahl at 6:30 p.m.

1. Roll Call

Present: President Dahl, Vice President Dean, Director Lucey, Director Hill  
Director Angello

Absent: None

Staff Present: Raffaele F. Montemurro, Board Secretary/General Manager; Gina A. Davis,  
Deputy Board Secretary/Administrative Assistant; Philip T. Davis, Utility  
Operations Supervisor

Staff Absent: Mike Hubert, Fire Chief

2. Flag Salute

President Dahl led the flag salute.

**Motion by Director Hill, second by Director Lucey, to adopt the proposed agenda  
April 28, 2010, motion passes 5-0.**

3. Public Comment \*

Carole Henson, Halcyon, spoke to the very alarming financial report given at the last Board  
Meeting.

4. Board Member Comment \*

VP Dean stated that Board Member Comment is not part of the Robert's Rules of Order and she  
provided a format of what an agenda should be and parliamentary procedures.

**Motion by VP Dean, second by President Dahl, to reconsider the proposed  
agenda, motion failed, 2-3.**

5. Review and Approval of Minutes

**Motion by VP Dean, second Director Lucey to table minutes to next meeting,  
motion passed 5-0.**

- a. February 24, 2010
- b. April 14, 2010

6. Consideration of Warrants\*

Director Lucey spoke to the warrants and asked if there been any spending since the 90-day  
moratorium.

VP Dean spoke to item regarding the Todd Engineering billing.

**Motion by Director Hill, second by VP Dean to approve Warrant Summary totaling,  
\$47,522.22 as presented, motion passed 5-0.**

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7. Administrative Items

a. Discussion and Possible Response to Unresolved Allegations

GM Montemurro presented the item.

VP Dean asked GM Montemurro if he could respond to the allegations by next meeting. GM Montemurro stated no.

Director Lucey spoke to issue regarding the title of the December 9, 2009 document as presented.

Director Hill spoke to issue, by answering the unresolved allegations.

President Dahl called to recess.

Director Lucey called the question.

**Motion by VP Dean, second by President Dahl, that GM Montemurro respond accurately to the December 9, 2009 allegations by the next scheduled Board Meeting, motion failed, 2 - 3.**

**Motion by Director Lucey, second by Director Hill, for a ten minute recess starting at 7:17 PM, motion passed, 5-0.**

b. Discussion of the District's Finances

GM Montemurro presented the following financial cuts:

Postage, general manager's allotted car allowances be cut \$50.00 at each disbursement, Office supplies comparison Quill verses Staples.

GM Montemurro recommends the following items for financial cuts:

Directors to not receive compensation for committees,  
District legal counsel come to one meeting a month.

GM Montemurro recommends closing the LAIF and transferring the money to Rabobank Money Market Account.

VP Dean stated that every February the District readopts the Investment Policy.

Director Lucey spoke to item, regarding budget.

VP Dean requested point of information, regarding the County bill sent to the District in March 2010. Director Hill stated that the invoice is for work completed by Burke Construction from the earthquake repairs on Juanita and McCarthy dated back to March 28, 2006.

**Motion by President Dahl, second by VP Dean, that GM Montemurro research and report correct amount of the invoice from the County for earthquake repairs, motion withdrawn.**

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Director Lucey spoke to County invoice \$55,000, she wanted to know where were the funds redirected in the 2005 budget and requested that GM Montemurro investigate and report to Directors.

Director Hill spoke to the 2008 District Investment Policy. He stated that the District in not in compliance with the Investment Policy in 2008 or currently.

**The Board agreed and directed GM Montemurro to speak and report the outcome regarding the reduction of DLC Simas to one Board meeting per month to alleviate the budget.**

c. LAFCO request for nominations

GM Montemurro stated that the District needs to submit their nomination to San Luis Obispo office for the Local Agency Formation Commission for the Special District Member no later than April 30, 2010

Director Lucey spoke to item, she asked what is the cost to have a LAFCO Representative Committee seat. GM Montemurro stated \$12,000.

Director Hill spoke to item, he stated Mr. Cliff's experience is to be considered.

**Motion by VP Dean, second by Director Hill to support Mr. Muril Clift as the LAFCO Alternate, motion passes, 5-0.**

d. Review of General Manger and contract renewal.

GM Montemurro presented an employment agreement proposal and consideration of a five year contract from July 01, 2010 to June 30, 2015 instead of the current year to year employment contract.

Director Hill is pleased with GM Montemurro.

VP Dean spoke to item, based on the original employment contract, there are items that have not been met and stated that the current proposed employment agreement is premature and would like it revisited on June 30<sup>th</sup>, 2010.

President Dahl spoke to item; he stated that GM Montemurro's salary be evaluated upon completion of the original contract agreed upon items.

Director Angello spoke in favor of GM Montemurro.

Director Lucey spoke in support of the GM Montemurro and requested a modification to the employment agreement proposal to a seven year agreement and a 4% salary increase in the 4<sup>th</sup> year.

GM Montemurro stated that he is not changing the existing conditions of his contract but addressing the base salary and the expiration date.

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VP Dean, stated point of information, she stated that item 9a. second paragraph on GM Montemurro original employment contract, can that item be amended. DLC Fothergill, stated it is common to amend. VP Dean spoke to item regarding audit and the budget.

GM Montemurro spoke to items: audit and the budget. He stated that he is working on the budget and Harold and Cathy are working on the audit.

**Director Lucey called the question.**

**Motion by Director Lucey, second by Director Angello, that the Board accept the Employment Agreement Proposal from the GM Montemurro with the a modified change to the First Year Salary \$87,500 and the contract be extended from July 01, 2010 through June 30, 2015, motion passes, 3-2.**

e. Properties on 19<sup>th</sup> Street – Offer of Dedication

VP Dean recused herself.

GM Montemurro introduced the item.

Director Hill introduced the properties and presented the proposal. He stated that there would need to be a financial analysis and a resolution prepared.

UOS, Phil Davis spoke to item and is not in favor.

Kevin Rice, Oceano, spoke to item; he handed out a document to GM Montemurro and the Directors.

Mr. Angello spoke to item; regarding the expense and the name on title.

f. Resolution #2010 -04 Director Compensation

GM Montemurro presented the item that each Director is authorized to receive one hundred dollars (\$100.00) as compensation for each regular meeting of the Board attended by him or her.

Director Lucey requested that compensation used in the resolution be replaced with stipend.

**Motion by Director Hill, second by Director Lucey, to accept Resolution #2010-04 Director Compensation with the use of the word stipend instead of compensation, motion passes, 5-0.**

g. Committee Nominations and appointments

DLC Fothergill recommends bringing this item back.

VP Dean, point of information, she asked DLC Fothergill to look into periodic partial change in Board Membership.

- (1) Sanitation District
- (2) Zone 3 Advisory

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- (3) Fire Oversight
- (4) Finance
- (5) Water and Sewer
- (6) Fire (until 07-01-2010 JPA)

10. Fire Items

- a. GM Montemurro presented item of discussion on Contractor mark up for 2010-2011 weed abatement and asked for Board input. He asked would the Board like to use the same mark up as last year or reduce the rate of pay to the Contractor.

Director Hill spoke to item; he stated revenue neutral as to last year and adjust the percentage, and impose the administrative fee.

VP Dean spoke to item; she stated a 50% mark up instead of 100%.

President Dahl spoke to item; he suggested that a note with the increased fee be included in the second notice.

Director Lucey spoke to item; she suggested that the English correspondences be provided in Spanish as well.

- b. GM Montemurro presented and recommends the authorization to appropriate matching funds for the 2010 assistance to firefighters grant (AFG) application for replacement of a fire engine.

**Motion by VP Dean, second by Director Lucey, to appropriate matching funds for the 2010 assistance to firefighters grant (AFG) application for replacement of a fire engine, motion passed 5-0.**

11. Utility Items

- a. Cleaning and Inspection of District Sewer and Water Lines  
GM Montemurro recommends approval.

**Motion by Director Hill, second by Director Angello, to the Continual Disclosure of the Emergency Declared by the Board of Directors Concerning the Cleaning and Inspection of the District Sewer and Water Mains following the San Simeon earthquake, motion passed, 5-0.**

- b. SSMP Sewer System Management Plan

GM Montemurro recommends the Board approve and implement the completed Sewer System Management Plan prepared in accordance with the State Water Resources Control Board Statewide General Waste Discharge Requirements (WDR) Order No. 2006-0003-DWR.

**Motion by Director Hill, second by VP Dean to implement the completed Sewer System Management Plan prepared in accordance with the State Water Resources Control Board Statewide General Waste Discharge Requirements (WDR) Order No. 2006-0003-DWR, motion passed, 5-0, with Director Lucey abstaining.**

OCEANO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES  
April 28, 2010

Wednesday

Oceano

c. Reconsider Front Footage Fees and project info.

VP Dean, point of order, she read the Robert's Rules of Order reconsideration rule.

GM Montemurro stated the point of order is out of order.

VP Dean recused herself.

Director Hill spoke in favor that the Board to reconsideration the front footage fees on Pamela Dean Project 6195.

Pamela Dean played a portion of the June 10<sup>th</sup>, 2009 Board Meeting stating that the front footage fees have been paid for the project.

Ms. Henson spoke against item.

Ms. Hill spoke against item.

Mr. Rice spoke in support of item.

**Motion by Director Hill, second by Director Angello, to rescind the previous fee letter based on incorrect testimony at a prior meeting and replace with an updated fee letter that shows the correct minimum front footage fee on the property and all other portion of the fee letter stand as originally projected, motion passed 3-1.**

c. Will Serve and Fire Safety Plan Letters:

GM Montemurro recommends approval for the will serve request for a Single Family Remodel and Garage Addition for Brian Fisher, APN 062,282,058 OCSD Project #6433.

**Motion by Director Hill, second by VP Dean, that OCSD will serve the Single Family Remodel and Garage Addition for Brian Fisher, APN 062,282,058 OCSD Project # 6433, motion passed, 5-0.**

12. Reports of District Representatives \*

a. **PRESIDENT VERN DAHL**

President Dahl presented the South San Luis Obispo County Sanitation District for the following dates March 03, 2010, March 17, 2010, and April 07, 2010

President Dahl presented the Fire Committee report for the following dates March 23, 2010 and April 13, 2010.

President Dahl presented the OAC report for the following dates March 18, 2010 and April 19, 2010.

b. **VICE PRESIDENT PAMELA DEAN**

VP Dean presented Fire Committee report for the following dates March 23, 2010 and April 13, 2010. .

OCEANO COMMUNITY SERVICES DISTRICT  
BOARD OF DIRECTORS MEETING MINUTES

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Oceano

c. DIRECTOR JIM HILL

No Report Given.

d. DIRECTOR MARY LUCEY

No Report Given.

e. DIRECTOR LORI ANGELLO

No Report Given. Director Angello suggested that a typed report be provided to each Director on each meeting attended.

13. General Manager Items/Discussion \*

a. Update regarding expenses

GM Montemurro provided this report at Agenda Item 7a.

b. Update regarding cuts

GM Montemurro provided this report at Agenda Item 7a.

c. Other

GM Montemurro requested that the following items be on the next agenda: Resolution for 19<sup>th</sup> Street, committee nominations and appointments, department head reports, legal counsel evaluation in closed session,

Director Lucey requested that present pending litigations be on the next agenda.

Director Hill requested that approval Board Comment, General Manager recommend actions to be determined as necessary, pursuing clear title and offers of dedication for OCSD property on 19<sup>th</sup> Street, recommend action on District investment policy, consideration of bylaws, consideration of weed abatement mark up, appointment of a presiding officer, and General Manager Items of discussion

Director Lucey suggested that an allotted time limit be put next to each agenda item.

14. Public Comment \*

None.

15. Board Member Discussion \*

President Dahl spoke to the item.

16. Written Communications

None.

**Motion by Director Hill, second by Director Angello, to adjourn to this location at 6:30 PMon May 12, 2010, on a vote 5-0.**



OCEANO COMMUNITY SERVICES DISTRICT  
RESOLUTION NO. 2010 - 06

A RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE OCEANO COMMUNITY SERVICES DISTRICT  
ADOPTING A STATEMENT OF FINANCIAL POLICY  
FOR THE DISTRICT

WHEREAS, the Board of Directors of the Oceano Community Services District ("District") has a fiduciary responsibility to assure that public funds are invested in financial instruments and institutions in accordance with State and Federal law and District guidelines; and,

WHEREAS, District funds will be available from time to time that would be beneficial to invest in financial instruments in accordance with the 2010 Investment Policy (Exhibit A) and deposited in interest bearing accounts, in banks or financial institutions having offices within the State; and,

WHEREAS, the Board of Directors finds that it is impractical to take individual action authorizing the investment of such funds into permissible investments under the Government Code, as well as the District's financial policy, and finds and determines that the District Finance Officer/Treasurer should be authorized to invest such funds in accordance with the provisions of the District's current Investment Policy and the California Government Code.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the Oceano Community Services District that the District Finance Officer/Treasurer is hereby authorized to deposit for safe keeping all money belonging to, or in the custody of, the District pursuant to Exhibit A, the District's Investment Policy; and,

BE IT FURTHER RESOLVED that the District hereby adopts a Statement of Investment Policy attached hereto as Exhibit A, 2010 Investment Policy, which supersedes any previously adopted or utilized policies and that this Policy be effective immediately.

Upon the motion of Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

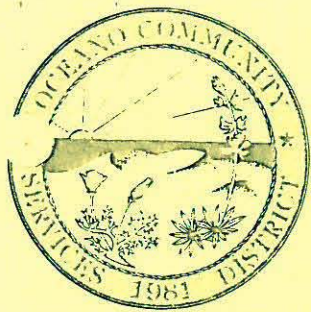
ABSTAINING:

the foregoing Resolution is hereby adopted this 26<sup>th</sup> day of MAY, 2010.

ATTEST:

\_\_\_\_\_  
VERN DAHL, PRESIDENT

\_\_\_\_\_  
RAFFAELE F. MONTEMURRO, BOARD SECRETARY



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

## OCEANO COMMUNITY SERVICES DISTRICT BOARD OF DIRECTORS – BY LAWS

### 1. MEETINGS

1.1 Regular meetings of the Board of Directors (the Board) shall commence at 6:30 p.m. on the second and fourth Wednesday of each calendar month in the Board room at the District Office currently located at 1655 Front Street, Oceano, CA. 93475

1.2 Members of the Board shall attend all regular meetings of the Board unless there is good cause for absence.

1.3 No action or discussion may be taken on an item not on the posted agenda; provided, however, matters deemed to be emergencies or of an urgent nature may be added to the agenda under the procedures of the Brown Act. Pursuant to the Brown Act:

(a) Board Members may briefly respond to statements or questions from the public; and

(b) Board Members may, on their own initiative or in response to public questions, ask questions for clarification, provide references to staff or other resources for factual information, or request staff to report back at a subsequent meeting; and

(c) Board Members or the Board itself may take action to direct staff to place a matter on a future agenda.

1.4 A majority of the Board shall constitute a quorum for the transaction of business. While a majority of the Board is sufficient to do business, motions must be passed unanimously if only three Board members are present. Only those Board members present at a meeting may vote on business conducted at that meeting.

1.5 If a quorum does not arrive within fifteen (15) minutes of the time the meeting has been scheduled, it shall be determined that a quorum is not present. When there is no quorum for a regular meeting, the President, Vice President, or any Board member shall adjourn such meeting, or, if no Board member is present, the District secretary shall adjourn the meeting.

1.6 A roll call vote shall be taken upon the passage of all ordinances, resolutions, and other matters established by Board policy or state law that require solicitation of bids, and upon all matters involving more than a five thousand dollars (\$5,000.00) expenditure by the District.

3.4 An alternate member may be assigned by the Board in advance for those meetings where a regular member is unable to attend.

3.5 The General Manager shall be an ex-officio member of all committees.

#### **4. AGENDAS.**

4.1 The General Manager, in cooperation with the Board at the prior meeting shall prepare an agenda for each regular meeting of the Board. The General Manager may put emergent District business on the agenda subject to Brown Act regulation.

4.2 Roll Call and Flag Salute be Agenda item Number One (1) and Number Two (2).

4.3 Agendas shall include allowance for Public Comment and Board Member items of information and comment.

#### **5. PREPARATION OF MINUTES AND MAINTENANCE OF TAPES.**

5.1 The minutes of the Board shall be kept by the District Secretary and shall be neatly produced and kept in a file for that purpose, with a record of each particular type of business transacted set off in paragraphs with proper subheadings.

5.2 The District Secretary shall be required to make a record only of such business as was actually passed upon by a vote of the Board and, except as provided in Section 5.3 below, shall not be required to record any remarks of Board Members or any other person.

5.3 Any Director may request for inclusion into the minutes, brief comments pertinent to an agenda item, but only at the meeting in which the item is discussed.

5.4 The District Secretary shall attempt to record the names and general place of residence of persons addressing the Board, the title of the subject matter to which their remarks related, and whether they spoke in support or opposition to such matter.

5.5 Whenever the Board acts in a quasi-judicial proceeding such as in assessment matters, the District Secretary shall compile a summary of the testimony of the witnesses.

5.6 Any tape or film record of a District meeting made for whatever purpose at the direction of the District shall be subject to inspection pursuant to the California Public Records Act.

5.7 Nothing herein shall be deemed to create a requirement that minutes be taken or tape or film recordings be made of any closed sessions of the Board.

5.8 All correspondence should have Name and Address of record to be entered in the minutes.

d. Allow staff to execute priorities given by the Board of Directors and management without fear of reprisal.

**8.2** Individual Board members, by making a request to the General Manager shall have access to information relative to the operation of the District, including but not limited to statistical information, serving as a basis for certain actions of staff, justification for staff recommendations, etc. Board Members shall receive the cooperation and candor of the General Manager in being provided with the requested information.

**8.3** The General Manager shall timely provide the Board Member with requested information. If the General Manager feels that such information would be of interest to other Board Members, he/she shall see that the appropriate distribution is made.

**8.4** If the General Manager cannot timely provide the requested information by reason of information deficiency, or major interruption in work schedules, workloads, and priorities, then the General Manager shall inform the Board Member why the information is not or cannot be made available. The General Manager shall consider other means that are in his/her judgment feasible to provide the Board Member with the requested information.

**8.5** If the information still cannot be provided, either the General Manager or the Board Member shall place an item on the Board agenda for Board direction as to the Board's desire and directed method of providing the information.

**8.6** In handling complaints from residents, property owners within the District, or other members of the public, Directors are encouraged to listen carefully to the concerns, but the complaint should be referred to the General Manager for processing and the District's response, if any.

**8.7** Directors, when seeking clarification of policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programs, should refer said concerns directly to the General Manager.

**8.8** When approached by District personnel concerning specific District policy, Directors should direct inquiries to the General Manager.

**8.9** Directors and General Manager should develop a working relationship so that current issues, concerns and District projects can be discussed comfortably and openly.

**8.10** When responding to constituent request and concerns, Directors should respond to individuals in a positive manner and route their questions to the General Manager.

**8.11** Sitting Directors should not enter into Litigation against the District.

**12.1** State laws exist which attempt to eliminate any action by a Board Member or the District which may reflect a conflict of interest. The purpose of such laws and regulations is to insure that all actions are taken in the public interest. The following provides a brief policy summary of various conflict related laws. Directors are encouraged to consult with the Fair Political Practices Commission (the "FPPC") at (916) 322-5660, prior to the day of the meeting if they have a question about a particular agenda item.

**12.2** Each Director is encouraged to review the District's Conflicts of Interest Code on a regular basis. The general rule is that an official may not participate in making a governmental decision if it is: (1) reasonably foreseeable that the decision will have a (2) material financial effect on the (3) official or a member of his or her immediate family or on an economic interest of the official, and (4) the effect is distinguishable from the effect on the public generally. If real property in which the Director has an interest is located within 500 feet of the boundaries of the property affected by decision, that interest is deemed to be directly involved in the decision. Additionally, FPPC rules generally require a disqualified Board member to leave the room during the discussion of the matter.

**12.3** The prohibitions of Government Code Section 1090 provide that the District may not contract with any business in which a Board member has a financial interest.

**12.4** Incompatible Office. The basic rule is that public policy requires that when the duties of two offices are repugnant or overlap so that their exercise may require contradictory or inconsistent action, to the detriment of either public office, the discharge of the duties of the two offices by one person is incompatible with the affected office and the official must step down from one of the offices.

### **13. EVALUATION OF CONSULTANTS.**

The District Consultants, including the District Legal Counsel and District Consulting Engineer shall be evaluated annually during the months of May and June of each year.

### **14. CONTINUING EDUCATION.**

**14.1** Board Members are required to attend training on ethics and sexual harassment every other year on an alternating schedule. Board members are also required to attend training on the National Incident Management System (NIMS).

**14.2** Members of the Board are encouraged to attend educational conferences and professional meetings to improve District operation, such as Special District Administration, Finance and Governance, and other programs that emphasize employee relationships.

**14.3** Subject to budgetary constraints, there is no limit on the number of Directors attending a particular conference or seminar when it is apparent that their attendance is beneficial to the District and in compliance with the Brown Act.

16.6 The Board will review and approve the District Investment Policy on an annual basis.

16.7 The Budget shall be prepared annually for Board approval by June 30<sup>th</sup>.

16.8 Audits shall be conducted as soon after the end of the Fiscal Year as possible, preferably within 120 days.

## **17 PUBLICATION OF POLICY**

17.1 Copies of this Policy shall be distributed to:

(a) All current District employees and new employees at the time of hire.

(b) All current Directors of the District and new Directors at the time they take office.

(c) Staff will provide orientation for new Directors.

17.2 The General Manager shall be available to answer questions of District employees regarding the District Policy on relationship and conduct between Board Members and staff.

## **18 RESTRICTIONS ON BY LAWS**

These By Laws shall govern the Board in all cases to which they applicable and not otherwise inconsistent with State and Federal laws.



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

May 26, 2010

TO: Board of Directors, OCSD  
FROM: Raffaele F. Montemurro, General Manager  
SUBJECT: **CLEANING AND INSPECTION OF DISTRICT SEWER AND WATER LINES**

Public Contracts Code Section 22050(c)(1) requires that if the governing body orders any action after the emergency has been declared, the governing body shall review the emergency action at its next regularly-scheduled meeting and at every regularly-scheduled meeting thereafter until the action is terminated, to determine, by four-fifths vote, that there is need to continue the action.

**THE RECOMMENDED ACTION BEFORE YOUR BOARD is to:** by Board discussion, public comment, motion, second, and roll call vote, determine, by four-fifths vote, that there is a need to continue the action.

Agenda Item 05 26 2010 11.a.

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# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

## CORRECTED FEE LETTER

May 26, 2010

The Old Avocado Ranch  
Attention: Casey O'Connor  
668 Marsh Street  
San Luis Obispo, CA 93401

**SUBJECT: APN 062-075-017; OCSD PROJ #6340.17; SLOCO CO #: UNKNOWN  
OWNER/PROJECT: TAKKEN / SINGLE FAMILY RESIDENCE, LOT 17**

Dear Mr. O'Connor:

Presented below is an estimate of the water and sewer fees for connection of the subject project. All connection fees must be paid to Oceano Community Services District prior to the residence being connected to the District's water and sewer services.

### **Water Connection Charges**

Water Meter Charge (5/8 inch)	\$ 675.00
Front Footage Charge (55 ft x \$8.00/ft)	440.00
Capacity Charge (State Water Project Charge)	3,806.52
Additional Connection Fee (Lopez Project Imps)	<u>1,000.00</u>

**Total Water Fees** \$ 5,921.52

### **Sewer Connection Charges**

Sewer Connection Fee	500.00
Inspection Fee	<u>50.00</u>

**Total Sewer Fees** 550.00

**Sub-total** 6,471.52

**Less: Front Footage Fees Paid April 6, 2006** (440.00)

**BALANCE DUE** \$ 6,031.52

**Agenda Item 05 26 2010 11.c.**



The Old Avocado Ranch  
Casey O'Connor  
Page Two  
May 26, 2010

The \$50.00 inspection fee shown above is for inspecting the buildings sewer laterals between the District's cleanout and the connection to the new residences. Please give us at least 24 hours notice to schedule the required inspections.

In addition, the South San Luis Obispo County Sanitation District (SSLOCSD) will require payment for its connection fees. You may find out the precise amount of this payment by calling the SSLOCSD office between 8:00 a.m. and noon at (805) 481-6903 and speaking with Sabrina Spears, Secretary/Bookkeeper. **OCSD will require that you submit a copy of your County building permit and the receipt from the SSLOCSD before it will accept water and sewer fees due to us. (SSLOCSD Permit and County Building Permit already on file.)**

**Estimated fees could increase at any time, and will increase on January 1<sup>st</sup> of each year.**

If you have any questions, please feel free to call.

Respectfully submitted,

OCEANO COMMUNITY SERVICES DISTRICT

Raffaele F. Montemurro  
General Manager

RFM



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

## CORRECTED FEE LETTER

May 26, 2010

The Old Avocado Ranch  
Attention: Casey O'Connor  
668 Marsh Street  
San Luis Obispo, CA 93401

**SUBJECT: APN 062-075-018; OCSD PROJ #6340.18; SLOCO CO #: UNKNOWN  
OWNER/PROJECT: TAKKEN / SINGLE FAMILY RESIDENCE, LOT 18**

Dear Mr. O'Connor:

Presented below is an estimate of the water and sewer fees for connection of the subject project. All connection fees must be paid to Oceano Community Services District prior to the residence being connected to the District's water and sewer services.

### **Water Connection Charges**

Water Meter Charge (5/8 inch)	\$ 675.00
Front Footage Charge (55 ft x \$8.00/ft)	440.00
Capacity Charge (State Water Project Charge)	3,806.52
Additional Connection Fee (Lopez Project Imps)	<u>1,000.00</u>

**Total Water Fees** \$ 5,921.52

### **Sewer Connection Charges**

Sewer Connection Fee	500.00
Inspection Fee	<u>50.00</u>

**Total Sewer Fees** 550.00

**Sub-total** 6,471.52

**Less: Front Footage Fees Paid April 6, 2006** (440.00)

**BALANCE DUE** \$ 6,031.52

**Agenda Item 05 26 2010 11.d.**

The Old Avocado Ranch  
Casey O'Connor  
Page Two  
May 26, 2010

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If you have any questions, please feel free to call.

Respectfully submitted,

OCEANO COMMUNITY SERVICES DISTRICT

Raffaele F. Montemurro  
General Manager

RFM



# Oceano Community Services District

1655 Front Street, P.O. Box 599, Oceano, CA 93475

(805) 481-6730

FAX (805) 481-6836

## CORRECTED FEE LETTER

May 26, 2010

The Old Avocado Ranch  
Attention: Casey O'Connor  
668 Marsh Street  
San Luis Obispo, CA 93401

**SUBJECT: APN 062-075-020; OCSD PROJ #6340.20; SLOCO CO #: UNKNOWN  
OWNER/PROJECT: TAKKEN / SINGLE FAMILY RESIDENCE, LOT 20**

Dear Mr. O'Connor:

Presented below is an estimate of the water and sewer fees for connection of the subject project. All connection fees must be paid to Oceano Community Services District prior to the residence being connected to the District's water and sewer services.

### **Water Connection Charges**

Water Meter Charge (5/8 inch)	\$ 675.00
Front Footage Charge (55 ft x \$8.00/ft)	440.00
Capacity Charge (State Water Project Charge)	3,806.52
Additional Connection Fee (Lopez Project Imps)	<u>1,000.00</u>

**Total Water Fees** \$ 5,921.52

### **Sewer Connection Charges**

Sewer Connection Fee	500.00
Inspection Fee	<u>50.00</u>

**Total Sewer Fees** 550.00

**Sub-total** 6,471.52

**Less: Front Footage Fees Paid April 6, 2006** (440.00)

**BALANCE DUE** \$ 6,031.52

**Agenda Item 05 26 2010 11.e.**

The Old Avocado Ranch  
Casey O'Connor  
Page Two  
May 26, 2010

The \$50.00 inspection fee shown above is for inspecting the buildings sewer laterals between the District's cleanout and the connection to the new residences. Please give us at least 24 hours notice to schedule the required inspections.

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**Estimated fees could increase at any time, and will increase on January 1<sup>st</sup> of each year.**

If you have any questions, please feel free to call.

Respectfully submitted,

OCEANO COMMUNITY SERVICES DISTRICT

Raffaele F. Montemurro  
General Manager

RFM