

Tom Fayram, President
Brad Ross, Vice-President
Julie Kennedy, Director
Lisa Palmer, Director
Greg Parks, Director



LOS OLIVOS COMMUNITY SERVICES DISTRICT

Posted: 6-9-2023

REGULAR MEETING

June 14, 2023, 6PM (PDT)

St Mark's in the Valley Episcopal Church, Stacy Hall

2901 Nojoqui Ave, Los Olivos CA 93441

Please observe decorum and instructions from the President

Please note that Director Palmer will be attending via Zoom. She will be located at:

Business Center

Waimea Plantation Cottages

9400 Kaumualii Highway

Waimea, Kauai, HI 96796

Members of the public may join her at that location.

Note that the meeting will be held according to the time in California, 6PM Pacific Daylight Time (UTC-7)

This meeting will be held both in-person and electronically via Zoom meetings. In-person the meeting will be held at the following location:

St Mark's in the Valley Episcopal Church, Stacy Hall - 2901 Nojoqui Ave, Los Olivos CA 93441

The public will also be able to hear and participate electronically by using the following links:

On Zoom:

<https://us06web.zoom.us/j/82515801920?pwd=VHFQd1VDZUVucFZXZEVEEdVhzVjhhQT09>

By Phone:

Meeting ID: 825 1580 1920 Passcode: 378600

One tap mobile +16694449171,,82515801920#,,,,*378600# US

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MEETING AGENDA

1. CALL TO ORDER

Meeting was called to order at 6:02PM.

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENTS

Members of the public may address the Board of Directors on any items of interest within the subject matter and jurisdiction of the Board but not on the agenda today (Gov. Code - 54954.3). The public may also request future agenda topics at this time. Speakers are limited to a maximum of 3 minutes. Due to the requirements of the Ralph M. Brown Act, the District cannot take action today on any matter not on the agenda, but a matter raised during Public Comments can be referred to District staff for discussion and possible action at a future meeting.

President Fayram opens the floor to public comment.

Paul Rohrer, Kathryn Rohrer, and Anne Marie Gott speak.

Los Olivos Community Services District, P.O. Box 345, Los Olivos, CA 93441, (805) 500-4098

losolivoscscd@gmail.com, www.losolivoscscd.com

GM Savage requests and is granted permission from President Fayram to respond to commentary regarding formation of the District and filings with the Secretary of State and State Controller’s Office. GM Savage notes that he believes that all necessary paperwork has been filed, but he will not be entirely certain until the State updates its websites with current information, he receives some sort of written confirmation, or that he receives another letter indicating more work is required. GM Savage provides an example of his efforts with the Secretary of State’s office. He notes that first filed paperwork in December 2022. He received a response around March 2023 requesting corrections to the paperwork. He immediately filed the changes and then heard from the State again in May 2023. Following more phone calls and paperwork, GM Savage believes everything has been properly filed. He adds similar interactions with multiple people from the State Controller’s Office (SCO) have been held. GM Savage adds that all of the audits of the LOCSD have been filed with the SCO.

ADMINISTRATIVE ITEMS:

All matters listed hereunder constitute an administrative / consent agenda and will be acted upon by a single vote of the Board. Matters listed on the Administrative Agenda will be read only on the request of a member of the Board, in which event the matter may be removed from the Administrative Agenda and considered as a separate item.

President Fayram opens the floor to public comment.

Anna Marie Gott speaks.

Motion to approve item 5.

Motion by: Vice President Ross, Second: Director Kennedy

Roll call vote (4-0-1), with Director Parks abstaining

5. APPROVALS

A. APPROVAL OF MEETING MINUTES

Regular Meeting Minutes of May 10, 2023.
Budget Workshop Minutes of May 10, 2023.

B. APPROVAL PAYMENT OF INVOICES RECEIVED BY JUNE 1, 2023.

The invoices below have been reviewed by the Finance Committee and are recommended for approval.

No.	Invoice Date	Invoice #	Provider	Amount
1.	5/4/2023	83015	MNS – Engineering Services	\$ 2,452.50
2.	5/4/2023	75423	Aleshire & Wynder – Legal Services	\$ 2,914.01
3.	5/12/2023	83166	MNS – Engineering Services	\$ 1,277.50
4.	5/31/2023	20235	Savage – General Manager and District Services	\$ 4,050.00

Project	Vendor	To Date (inc. above)	Remaining Authorization
Effluent Study	GSI	\$ 15,317.50	\$ 4,182.50
Effluent Study	ConfluenceES	\$ 19,421.20	\$ 1,028.80
Audit	Moss, Levy & Hartzheim, LLP	\$ 2,500.00	\$ 8,055.00

C. AUDIT REPORTS FOR FISCAL YEARS 2019-20, 2020-21, AND 2021-22.

The Board will receive and file the prior three years’ worth of audit reports from the District’s independent auditor, Moss, Levy & Hartzheim. Fiscal Year 2018-19 was received and filed on March 15, 2023. All audit reports can be found at: <https://www.losolivoscsd.com/district-financial-information>

BUSINESS ITEMS:

6. FISCAL YEAR 2023-24 BUDGET

The Board will review the Proposed Budget for Fiscal Year 2023-24 (FY 2023-24). The District’s FY 2023-24 will run from July 1, 2023 through June 30, 2024. As part of their deliberations, the Board may set the date and time for hearing the FY 2023-24 Budget. In keeping with the State law, notice of the Hearing must be posted more than two weeks prior to the Hearing being held. The FY 2023-24 Proposed Budget can be found at:

<https://www.losolivoscsd.com/fy-2023-24-proposed-budget>

GM Savage introduces the budget document provided on the website and as part of the agenda packet.

President Fayram opens the floor to public comment.

Paul Rohrer speaks.

Under Board discussion and partially in response to Mr. Rohrer’s public comment, Director Parks describes his understanding of what happened when the RWQCB presented a few months ago. He believes that the waterboard said was that to some extent it doesn’t matter what the wells would tell us, the density of septic systems in our community are sufficient for the district to need a wastewater solution.

Vice President Ross notes that he believes half of the funds for the State matching grant (\$75,000) should be forthcoming and that he wants to be sure we have set aside sufficient funds to ensure that any additional work required to obtain the second half of the grant (an additional \$75,000) is available in the budget.

Director Kennedy notes her desire to find funding to accomplish the work before us.

President Fayram echoes Director Kennedy’s comments about finding grants. He adds that many grants require you to pay for it first and then you get reimbursed, but you must have the funding up-front. He also notes that this is in addition to any match the District would be required to make.

Director Palmer echoes Director Parks’ comments that it is not the case that the monitoring isn’t important, it is. She adds that we need to focus on solving the groundwater problem. She adds her hope that there is sufficient flexibility in the budget that would allow funds to be shifted in such a manner that we can do both.

Brief discussion about cost of previously installed wells follows.

Motion to set the Budget Hearing for July 12, 2023 and direct the GM to publish a notice in a local newspaper in accordance with established law.

Motion by: Director Kennedy, Second: Director Parks

Roll call vote (5-0)

AGENDA SHIFT

At the recommendation of GM Savage, and with full concurrence of the Board, Item 9 DISTRICT OFFICER ELECTIONS was heard at this point during the meeting.

7. (agendized as item 9) DISTRICT OFFICER ELECTIONS

The Board will review its prior actions regarding the election of its officers and appointments to subcommittees. GM Savage introduces the item and covers prior actions taken by the Board. Upon request from President Fayram, Counsel Trindle provides a brief overview of the Brown Act requirements regarding ad hoc and standing committees. He notes that the Brown Act does not directly address how long an ad hoc committee can exist nor the scope of what an ad hoc committee can cover.

President Fayram opens to floor to public comment.

Kathryn Rohrer and Anne Marie Gott speak.

Director Palmer expresses her frustration with the situation. She suggests that she would like to see all of the committee meetings be handled as standing committees and is anxious to resolve the issue. Her focus is on the solution as opposed to dealing with administrative distractions.

Director Parks asks about Bylaws and says he is fine with public participation and posting existing meetings as a standing meeting.

Vice President Ross asks if the District has Bylaws. GM Savage responds that the District does not have Bylaws.

Counsel Trindle adds that Bylaws OR Rules are required. Staff clarifies that the District has Rules.

Vice President Ross seeks clarification about when election of officers would be held.

Director Kennedy notes she is in favor of making all of the committees into standing committees. She asks about requirements for staff support of standing meetings. She adds that she Likes the idea of holding elections annually in January. She would like to see an annual calendar moving forward in order to tighten things up. Director Kennedy comments on Bylaws and Rules. DE Pike adds that there are nine policies (six that are posted on the District’s website).

Vice President Ross asks what the role of the public would be in the proposed standing meetings. Counsel Trindle responds saying the public would have the opportunity to provide input much as they do at the District’s regular meetings.

Motion to direct staff to create a Resolution for annual election of officers to be held in January, starting January 2024.

Motion by: Director Kennedy, Second: Director Palmer

GM Savage and Counsel Trindle provide clarification about what would happen in practice regarding the proposed motion. They clarify with both the motion maker and second that the intent of the motion is that in an election year, that officer elections would occur at the first regular meeting of the Board following the seating of newly elected Board members. Given the time to certify elections by County of Santa Barbara Election officials, this could mean that District Officers elections would not occur until February. Thus, in a non-election year such as 2024, the District Officer elections would occur in January. But, in an election year such as 2025, District Officer elections would most likely occur in February.

Roll call vote (5-0)

Counsel Trindle provides a suggestion about a potential path forward related to committees.

Motion to direct staff to prepare a resolution that rescinds Resolution 18-04 and makes the Finance, Technical, Project Management and Grants committee into standing committees.

Motion by: Director Kennedy, Second: Director Parks

Roll call vote (5-0)

Motion to direct staff to prepare a policy that committee appointments are reviewed each January.

Motion by: Vice President Ross, Second: Director Kennedy

Roll call vote (5-0)

7. TECHNICAL SUBCOMMITTEE - COLLECTION CONCEPTS

The ad hoc technical subcommittee of the Board has been meeting to develop potential concepts for the collection of wastewater within the District. A draft concept is being brought to the entire Board for discussion and input. As part of the discussion, the Board may choose to set a date and time for a community workshop to further discuss solutions for collection of wastewater.

Counsel Trindle recommends that item 7 be pulled from the agenda. President Fayram concurs that given the prior conversations pulling the item is probably best.

Vice President Ross dissents and comments that he believes we are wasting time. He asks why the recommendation to pull the item. Counsel Trindle responds that a lot of public comment has been heard about the actions of the ad hoc Technical Committee. VP Ross comments that the Board has been criticized for not getting work done previously. His desire is to get public comment on the work completed by the Technical Committee.

Motion to remove Item 7 and refer it back to committee after the Board has taken action on the prior resolutions.

Motion by: Director Kennedy, Second: Director Parks

President Fayram opens the floor to public comment.

Paul Rohrer, Kathryn Rohrer, and Anna Marie Gott speak.

Roll call vote (4-1), with Vice President Ross voting no.

8. REQUIREMENT TO INSTALL AND SAMPLE GROUNDWATER MONITORING WELLS

The District received a letter from the Central Coast Regional Water Quality Control Board regarding groundwater monitoring wells. The letter titled, "LOS OLIVOS COMMUNITY SERVICES DISTRICT, LOS OLIVOS, SANTA BARBARA COUNTY – REQUIREMENT TO INSTALL AND SAMPLE GROUNDWATER MONITORING WELLS" will be discussed. The Board may provide direction to staff regarding the General Manager's proposed response to the letter. Additionally, the District received a communication from Central Coast Regional Water Quality Control Board staff regarding testing regularity and constituents the District should consider testing to find.

GM Savage introduces the item, describes the context of the CCRWQCB letter, and walks through the draft response letter. As part of his comments, GM Savage notes that the CCRWQCB has the authority to require the District to install the monitoring wells; he adds that despite their ability to require them, his opinion is that given

the partnership that has been built, he doubts they would require them to be installed over other work the District is pursuing to solve existing groundwater issues.

President Fayram emphasizes the impact of the cost of this effort. He describes efforts to get the County to help the District with testing. GM Savage notes that the County has performed water depth testing.

President Fayram opens the floor to public comment.

Paul Rohrer, Mike Brady, Lynn Golden, and Matt Loudon speak.

President Fayram describes the cooperative engagement we have had with the CCRWQCB and County EHS. Director Parks responds to public comment saying that the waterboard is going to help us and they recognize that we cannot spend all of our funding just drilling and sampling wells.

Vice President Ross notes that the Board gave monitoring a low priority because of the eight factors / consideration that are reasons for us being a Special Problems Area. He rhetorically asks if we would cease to be a Special Problems Area if the testing showed low numbers. He believes the answer is no, the other seven considerations would cause us to still be a Special Problems Area. He adds that he believes we can include a schedule for installing and monitoring of wells.

Director Kennedy comments on the difficulties of trying to install wells and solve the priorities in front of us. She asks if other local CSDs have well installation and monitoring requirements.

President Fayram interjects that the SY CSD may have monitoring wells and requirements. President Fayram asks Mr. Paeter Garcia (ID1) if he knows. Mr. Garcia responds that he doesn't have any information on Santa Ynez.

President Fayram adds that the CCRWQCB does expect a community solution.

Director Palmer notes that we have performed the first monitoring in decades. She thinks it is a regional issue, so partnering with the CCRWQCB and County is a good thing.

Motion that President Fayram send the letter as drafted.

Motion by: Director Kennedy, Second: Director Parks

Under discussion, Vice President Ross notes that there is not a schedule and thinks one should be included. GM Savage adds that he could put together a sample schedule that is not tied to a specific set of dates, rather a sample of the activities and expected timelines for each action required to install the wells.

Director Kennedy amends her motion to amend the motion to include installation and monitoring schedule.

Director Parks concurs with the amendment.

Roll call vote (5-0)

INFORMATIONAL ITEMS:

These items are informational only, no action will be taken, and public comment not received.

9. REPORTS

A. SUBCOMMITTEE REPORTS

Given prior discussion in the meeting, subcommittee reports are held for future meetings.

B. GENERAL MANAGER AND DISTRICT ENGINEER COMMENTS

The GM and DE will give reports on any meetings that they attended on behalf of the District, report on various District-related activities and/or provide status on projects. The GM may also review Budget Reports. See packet for more details.

GM Savage goes through the documents included in the agenda packet. He walks the Board and public through activities and costs targeted for FY 2023-24, different views of the data that attempt to show what could be done prior to a final project description, and what is funded versus not funded. As part of his commentary and looking forward to the coming months, he notes there will not be a quorum for the August meeting.

In response to GM Savage's comments about the August meeting. The Board directs GM Savage to query the Board individually on availability for an August meeting on a date other than previously planned.

DE Pike describes efforts related to the WRF planning grant. He notes that he began the description of water recycling (tertiary treated water) in the District. He adds that the draft is required for the WRF grant and begins to meet sustainability requirements often required by the RWQCB.

10. DIRECTORS COMMENTS

Directors will give reports on any meetings that they attended on behalf of the Board and/or choose to comment on various District-related activities. Directors may also request future agenda topics at this time.

Director Parks notes that Rogelio Rodriguez with WaterFX has been watching the meeting. He is part of a group that helps with grant funding.

Vice President Ross thanks GM Savage and the public for their efforts.

Director Kennedy notes that she did a lot of work on grants.

President Fayram thanks Director Palmer for her remote participations.

Director Palmer notes that she held a conversation with Meighan Deitenhoffer, the County will be holding a meeting on parking in the community. When a date is known, she will share the information. Counsel Trindle is asked about Board attendance at such a meeting. Counsel Trindle confirms that three or more Board members can attend.

11. ADJOURNMENT

Motion to adjourn at 8:10PM

Motion By: Director Kennedy, Second: Director Parks

Roll call vote 5-0

Respectfully submitted:



Guy W. Savage
General Manager – Los Olivos Community Services District

Approved:

Tom Fayram
President – Los Olivos Community Services District